



CITY COUNCIL WORKSHOP MEETING AGENDA

Monday, March 16, 2015, 4:30 PM

City Municipal Center, 616 NE 4th Avenue

I. CALL TO ORDER

II. ROLL CALL

III. PUBLIC COMMENTS

IV. SPECIAL PRESENTATION

- A. Recognition of 25-Year Anniversary for Engineering Division Employee
Details: Jim Hodges, Project Manager, has reached his 25th anniversary with the City of Camas. His 25 years of service pin will be presented to him.
Presenter: James Carothers, Engineering Manager
Recommended Action: This item is for Council's information only.

V. WORKSHOP TOPICS

- A. SR-500 Proposed Safety Project
Details: Washington State Department of Transportation (WSDOT) has initiated a proposal to improve safety on SR-500 which includes adding a two way left turn lane and two bicycle lanes to Everett Street between NE 14th Avenue and NE 23rd Avenue. This proposed lane striping project requires the City to prohibit parking on NE Everett Street between NE 14th Avenue and NE 23rd Avenue. Staff will provide a brief description of this proposal. A WSDOT representative will also be available to address questions and comments.
Presenter: James Carothers, Engineering Manager
Recommended Action: Contingent upon Council consensus, staff will present a parking resolution prohibiting parking on either side of Everett Street from NE 14th Avenue to NE 23rd Avenue.







[SR-500 Restriping Proposal](#)




[SR-500 Restriping Plan](#)

[Proposed Everett St Parking Restrictions](#)

[Resident Correspondence 1](#)

[Resident Correspondence 2](#)

- B. NW 6th and Norwood Intersection Improvements
Details: At the February 17th Council work session, Camas staff provided a presentation regarding features and costs for a roundabout at NW 6th and Norwood. The attached memo provides additional information to Council for the consideration of the installation of a roundabout or a traffic signal at this location.
Presenter: James Carothers, Engineering Manager
Recommended Action: Staff is seeking guidance from Council to move forward on either a traffic signal or roundabout design.
-  [6th & Norwood Memo March 10, 2015](#)
[6th & Norwood Presentation from February 17, 2015](#)
- C. 2015 Septic Tank Pumping Change Order No. 1
Details: This change order is for Project WS-748 2015 STEP/STEF Tank Pumping for compensation for after hours emergency STEP and STEF tank pumping situations. This change order will apply to the contract extension for 2015 between the City and AAA Septic Service LLC. The rate for after hours pumping will be \$239.86 per tank.
Presenter: James Carothers, Engineering Manager
Recommended Action: Contingent upon Council consensus, staff intends to place this change order on the April 6, 2015 Consent Agenda.
-  [2015 Tank Pumping Change Order 1](#)
- D. NW 38th Avenue Phase 1 Wetland Monitoring & Maintenance Professional Services Contract
Details: The US Army Corp of Engineers Permit requires a total of 10-years of monitoring and maintenance on the wetland mitigation site for Project SS-545E NW 38th Avenue Improvements, Phase 1. The attached contract provides for the first 5-years of professional services by Ecological Land Services. Estimated costs for years one and two are in the 2015 and 2016 budget.
Presenter: James Carothers, Engineering Manager
Recommended Action: Staff intends to place this contract on the April 6, 2015 Consent Agenda for approval.
-  [38th Phase 1 Wetland Monitoring Contract](#)
- E. Time Limits for Inactive Development Applications
Details: To amend Camas Municipal Code (CMC), Chapter 18.55 Administration and Procedures, to clarify when development applications, which are deemed technically complete, will expire if inactive. At present, CMC Section 18.55.130(D) allows an applicant to request that a project be put on hold for an indefinite amount of time without expiring, and without issuance of a decision. On February 18, 2015, Planning Commission held a public hearing to review amendments to Camas Municipal Code (CMC) Chapter 18.55 Administration and Procedures, and forwarded a recommendation of approval to Council.
Presenter: Sarah Fox, Senior Planner
Recommended Action: Staff requests that Council set a date for a public hearing to consider amending CMC Chapter 18.55 Administration and Procedures.
-  [Staff Report to City Council](#)
[Exhibit 1 - Emails from MRSC, Bourquin, and MacPherson](#)
[Exhibit 2 - Erickson v. McLerran \(1994\)](#)
[Exhibit 3 - Proposed Amendments to CMC Chapter 18.55](#)


- F. Final Plat for The Hills at Round Lake, Phase 4
Details: The Hills at Round Lake is a 333-lot planned residential development, which received master plan approval on October 4, 2010. The applicant requests final plat approval for Phase 4 with 30 single-family lots. The master plan included 13 phases.
Presenter: Sarah Fox, Senior Planner
Recommended Action: Staff recommends that the final plat approval be placed on the April 6, 2015 Regular Meeting Agenda for Council's consideration.
 [Staff Report](#)
[Hills at Round Lake Phase 4 Final Plat Drawing](#)
- G. Community Development Miscellaneous and Updates
Details: Updates on miscellaneous or emergent items.
Presenter: Phil Bourquin, Community Development Director
- H. Engineering Transition Code Amendments
Details: The Community Development Department and Public Works Department have been working closely since the 2015 Planning Conference to transition the Engineering group from Community Development to Public Works. Through the transition process, staff has identified some minor changes to the Camas Municipal Code that will be required. Staff will provide the City Council with an update on the transition process and review the attached proposed code amendments.
Presenter: Steve Wall, Public Works Director
Recommended Action: Informational only. Staff will place an ordinance with the proposed code amendments on the April 20th Regular Meeting Agenda for City Council consideration.
 [Camas Municipal Code Changes Engineering Transition](#)
- I. Public Works Miscellaneous and Updates
Details: Updates on miscellaneous or emergent items.
Presenter: Steve Wall, Public Works Director
- J. Modify Equipment Rental Rate Setting
Details: Currently the City code requires every time a rate is changed for the Equipment Rental Fund, City Council approve the new rate through a resolution. In the continuing effort to streamline the budget process, staff is recommending City Council consider including the rates as part of the City Fee Schedule. The City Fee Schedule is a component of the budget process and part of the annual consideration. Any changes to the Equipment Rental Rates would be pointed out and discussed. This consolidated fee process would eliminate a separate presentation and resolution adoption.
Presenter: Cathy Huber Nickerson, Finance Director
Recommended Action: Direct staff to bring an ordinance to the April 6, 2015 City Council Meeting for Consideration.
 [Draft Ordinance for Equipment Rental Rates](#)

K. Low Income Utility Assistance

Details: This presentation will discuss proposed changes to the Utility Billing Code and Practices to better serve low income utility customers. The presentation will include budget billing, proposed partnership with the Treasure House as well as a better process for water leaks.

Presenter: Cathy Huber Nickerson, Finance Director

Recommended Action: Direct staff to bring a resolution addressing low income options as well as a Memorandum of Understanding with the Treasure House to assist in implementing the program to the April 6, 2015 City Council Meeting for consideration.

 [Utility Code Changes Phase 2-low income](#)
[Draft Resolution for Emergency Utility Assistance](#)

L. City Administrator Miscellaneous Updates and Scheduling

Details: Updates on miscellaneous or scheduling items.

Presenter: Pete Capell, City Administrator

 [Draft Letter to Governor Inslee.docx](#)

VI. COUNCIL COMMENTS AND REPORTS

VII. PUBLIC COMMENTS

VIII. ADJOURNMENT

NOTE: The City of Camas welcomes and encourages the participation of all of its citizens in the public meeting process. A special effort will be made to ensure that a person with special needs has the opportunity to participate. For more information, please call 360.834.6864.

SR-500 Re-Striping Proposal

WSDOT proposes to restripe SR 500 from NE 3rd Avenue to NE 22nd Avenue. On Garfield St between NE 3rd Avenue and NE 14th Avenue the proposed striping includes bike lanes on the east side of the road and a Two Way Turn Lane (TWTL). Parking is proposed to remain as currently prohibited on NE Garfield Street. Along NE 14th Ave between Garfield and Everett a bike lane is proposed on the north side of the street (uphill) with parking restrictions remaining the same on 14th (parking allowed only on the south side.) On Everett Street between NE 14th Avenue and NE 22nd Avenue a TWTL will be added along with a bike lane on the both sides of the street. Both sides of Everett would need to become “No Parking” areas.

Potential Costs

A loss of parking adjacent Crown Park.
Minor costs for "No Parking" signage.
Potential lost parking convenience to adjacent residents.

Anticipated Benefits

Safety:

Expected reduction in frequency and severity of opposite-direction left-turning crashes and rear-end crashes. (1)
Improved safety for bicyclists and vehicular/bicycle interactions. (1)
Narrowed roadway width typically results in more uniform operating speeds and speeds closer to the posted speed limit. (we’ve had many complaints of speeding in this area) (1)
Motorists will be able to see pedestrians sooner at intersections due to left turning motorists being in a separate lane. Currently, through traffic passes left turning motorists with limited sight distance to the existing crosswalks, especially at 15th & Everett where there is a higher number of pedestrians crossing.
Improved Safety access for sides street motorists entering Everett Street.
Removing parking on Everett will improve driver sight distance for vehicles entering from NE 14th, NE 15th, and NE 17th Avenues.

Mobility:

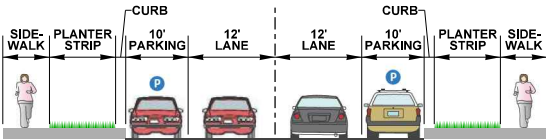
Less stops and delay for mainline traffic. (1)
Reduced delay to side street traffic. (1)

Other:

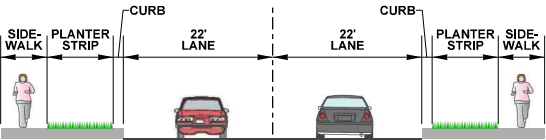
Increases and promotes multi-modal travel (One of WSDOT's 6 goals of the Strategic Plan). (1)
Connects the Camas City Center to a large bike network at Lacamas Lake and along Lake Rd. (1)
Narrowed lanes mean safer school crossings.
Reduces mid block pedestrian crossings.

(1) These items provided by WSDOT

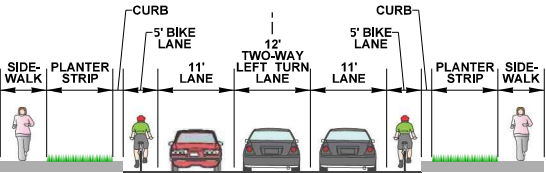
SR 500 / EVERETT RESTRIPE



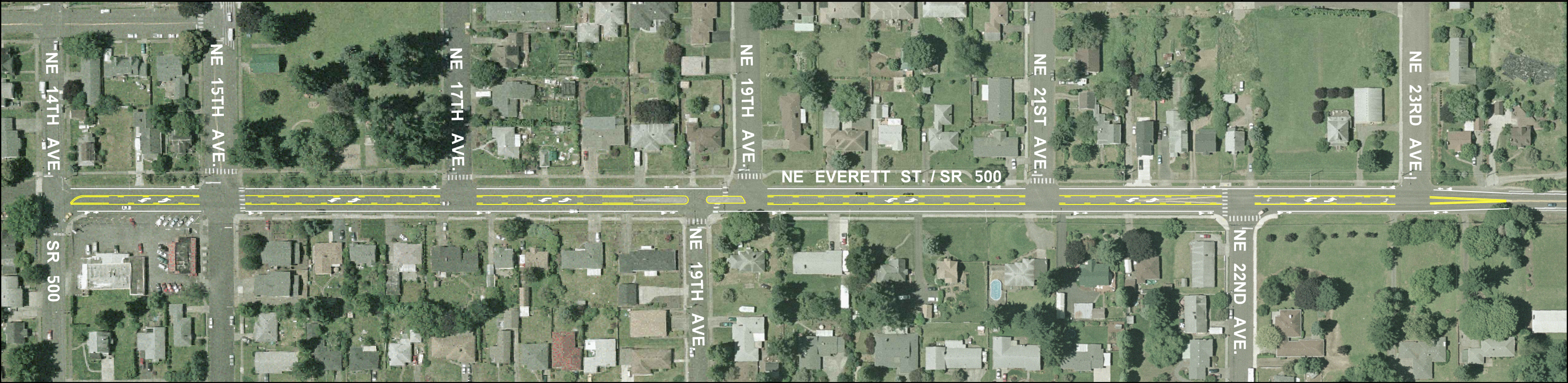
NE EVERETT ST. - EXISTING
(14TH AVE. TO 17TH AVE.)
NOT TO SCALE

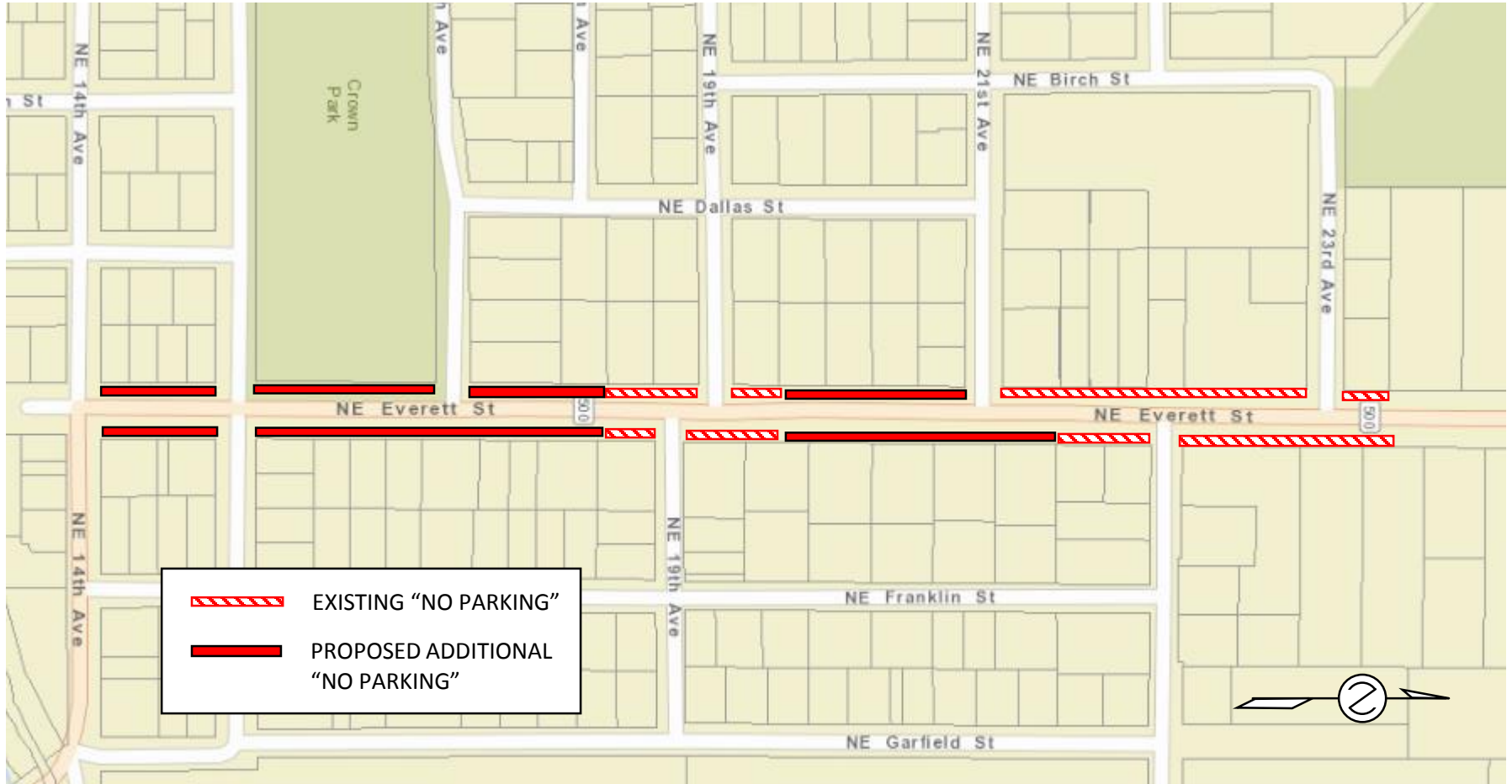


NE EVERETT ST. - EXISTING
(17TH AVE. TO 23RD AVE.)
NOT TO SCALE



NE EVERETT ST. - PROPOSED
NOT TO SCALE





SR-500 / NE EVERETT ST. SAFETY IMPROVEMENT PROJECT PROPOSED ADDITIONAL "NO PARKING" AREAS

From: Jeff Englund
Sent: Monday, March 09, 2015 3:59 PM
To: Curleigh (Jim) Carothers
Cc: sheetsj@wsdot.wa.gov
Subject: SR 500 / NE Everett St Proposed Parking Restriction Notification Letter

Curleigh,

We have received two responses so far to our letter of March 4th. (See attached.)

The first was a call from a Mr. Tony Sampson at 2108 NE Everett St. [REDACTED] who feels that traffic is too fast on Everett and that we shouldn't waste money on bike lanes because "bikes don't obey the law." He objects to taking away parking because family members attending occasional family events will have to park on NW 21st Ave and then cross Everett St. to get to his house.

The second was the attached email from Sharon Steinmeyer who has no objection to the elimination of on street parking in front of her house. She does have other concerns that are listed in her email.

Jeff

Jeff Englund
Sr. Engineering Technician

Jeff Englund

From: Sharon Steinmeyer <s.steinmeyer@comcast.net>
Sent: Saturday, March 07, 2015 10:16 AM
To: Jeff Englund
Cc: Bonnie Carter; Tim Hazen
Subject: NE Everett St Project

Dear Mr. Englund,

Thank you for your letter concerning safety improvements on my street. I have no objection to the elimination of on-street parking in front of my house.

I am writing to you in the hope that the project will include improvements to pedestrian crosswalks at NE 15th, NE 19th and NE 22nd Avenues. Although there are long times during the day when crossing Everett is safe and easy, there are other times when crossing is difficult or dangerous:

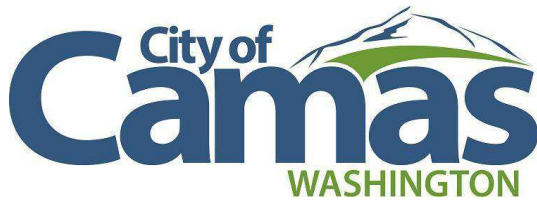
- On school mornings, between 7:15 am and 8:00 am, the volume of traffic on Everett Street is high, the visibility is low (in the winter and on cloudy/rainy days) and students at Liberty Middle School are crossing Everett Street by foot or on bicycle.
- On pleasant days, when many children and adults are crossing Everett Street at 15th Avenue, going between Crown Park and Top Burger.
- On any occasion when a public event is being held at school district property east of Everett Street (i.e., graduation, school events, football games). Some pedestrians are simply walking to the event. Others have parked their cars west of Everett Street. In addition, Everett Street has a high volume of traffic due to the number of people attending the event.

The addition of a center turn lane and two bike lanes, while making vehicle traffic smoother, will make pedestrian crossings more hazardous. Vehicles waiting in the left turn lane could block other motorists' view of people waiting to cross, or already in the crosswalk. Thru traffic, which already regularly exceeds the 25 mph speed limit, will have the opportunity to proceed even faster.

I realize this project is necessarily limited by financial concerns and WSDOT priorities. Ideally, I would like to see on-demand caution lights at NE 19th and NE 22nd Avenues, and a four-way stoplight at NE 15th Avenue. The stoplight would also help motorists from NE jenglund15th Avenue to enter or cross NE Everett Street safely.

Sincerely,

Sharon Steinmeyer



MEMORANDUM

Date: 03-10-2015

To: Council and Mayor

From: Staff

Subject: NW 6th and Norwood Improvements – Roundabout Discussion

The purpose of this memo is to provide additional information to assist Council in determining the preferred intersection traffic control alternative at NW 6th and Norwood. In the February 17th presentation to Council, benefits of a roundabout were provided as well as a cost comparison with a traffic signal.

As a point of clarification, the \$2.7 million dollars in bond proceeds discussed at previous meetings is sufficient to fund the replacement of water and storm mains on 6th Avenue, grinding and repaving of 6th Avenue from Adams to Norwood, installation of new pedestrian signal upgrades at Ivy Street and Fargo Street, and full construction of a roundabout with landscaping and monumentation amenities.

While mobility through the construction area of a roundabout is challenging and delays are to be expected, access to local businesses and to residential areas on both the north and south sides of the intersection can and would be maintained during construction.

It is anticipated that completion of either a roundabout or a signal at the 6th and Norwood intersection would not be completed until 2016. However, it can be expected that design and construction of a signal would generally be completed sooner than design and construction of a roundabout. Regardless of the decision of a roundabout or signal at 6th and Norwood, it is staff's intention to complete the water and storm main improvements as well as paving from Adams Street to Logan Street in 2015.

The following information provides a critical path timeline for commencing the design of roundabout in order to substantially complete construction by the end of summer 2016:

4/1/15 – 4/30/15 (1 Month)

- Additional Topographic Survey
- Refined/Updated Traffic Analysis
- Geotechnical Analysis (Including Infiltration Testing)

5/1/15 – 5/31/15 (1 Month)

- 30% Preliminary Plans and Preliminary Estimate
- Preliminary Striping Plan
- Determination of SR-14 Ramp Impacts

6/1/15 – 6/15/15 (2 Weeks)

- City of Camas Review
- Potential Open House

6/16/15 - 8/15/15 (2 Months)

- Roundabout Analysis Report
- Intersection Plan for Approval
- 60% Plans and Estimate
- Preliminary Stormwater Design/Report
- SEPA Checklist

8/16/15 - 8/31/15 (2 Weeks)

- City of Camas and WSDOT Review

9/1/15 - 10/31/15 (2 Months)

- 90% Plans, Specs, and Estimate
- Final Stormwater Report

11/1/15 - 11/15/15 (2 Weeks)

- City of Camas and WSDOT Review

11/16/15 - 12/15/15 (1 Month)

- 100% Plans, Specs, and Estimate

12/16/15 - 12/22/15 (1 Week)

- City of Camas Final Review

12/23/15 - 1/8/16 (2 Weeks)

- Final Plans, Specs, and Estimate to City for Bidding

1/9/16 - 3/15/16 (9 Weeks)

- City of Camas Bidding Process
 - o Bid Advertisement (1/25/16 – 2/14/16)
 - o Bid Opening (2/15/16)
 - o Start Construction (3/15/16)

3/15/16 – 9/15/16 (6 Months)

- 6 Months of Construction to Substantial Completion

Public Comments

Staff has received relatively few comments in general from the public regarding either a signal controlled intersection or roundabout controlled intersection at 6th and Norwood. We have been monitoring comments in the Camas-Washougal Post record, and to date, most comments seem positive toward construction of a roundabout. Comments received directly by staff have been centered around the need for some type of intersection control, but not necessarily a strong preference for either option. Staff is continuing to discuss the roundabout option with stakeholders and will provide an update for the Council at the March 16th Workshop.

Fire/EMS Comments regarding a Roundabout at 6th and Norwood

From a practical standpoint the department and its members are not overly concerned with 'roundabouts'. In the area that the device is proposed, our speeds are such that it would have minimal impact on our response. The concern comes when we discuss the size of the device. Some roundabouts tend to be too small for larger vehicles, such as our engines. Fortunately our current fleet has a short wheel base but the time will come when we have a longer aerial apparatus and the roundabout would require much more careful navigation.

Statistically, nationwide roundabouts have decreased intersection accidents involving emergency vehicles since there is no longer cross traffic.

There is definitely a learning curve with these devices for both responders as well as the public but I would contend that our response to motor vehicle incidents did not increase due to the installations around Union St.

I will add that it is our preference not to have traffic calming devices such as speed humps as these do greatly impact our response, but, to my knowledge, roundabouts do not drastically impact our ability to respond to calls.

Let me know if I can further assist.



Kevin Bergstrom
Fire Captain / Safety Officer
Camas-Washougal Fire Department
(360) 834-2262

Police Comments regarding a Roundabout at 6th and Norwood

From: Mitch Lackey

Sent: Tuesday, March 10, 2015 12:07 PM

To: Curleigh (Jim) Carothers

Cc: Shyla Nelson; Steve Wall; Phil Bourquin

Subject: RE: NW 6th & Norwood Roundabout Discussion

Curleigh,

Thanks for the PowerPoint slides. They helped to understand the proposal and the safety benefits of the roundabout over a standard traffic signal intersection. After looking over your material, I have no safety concerns from the police department perspective.

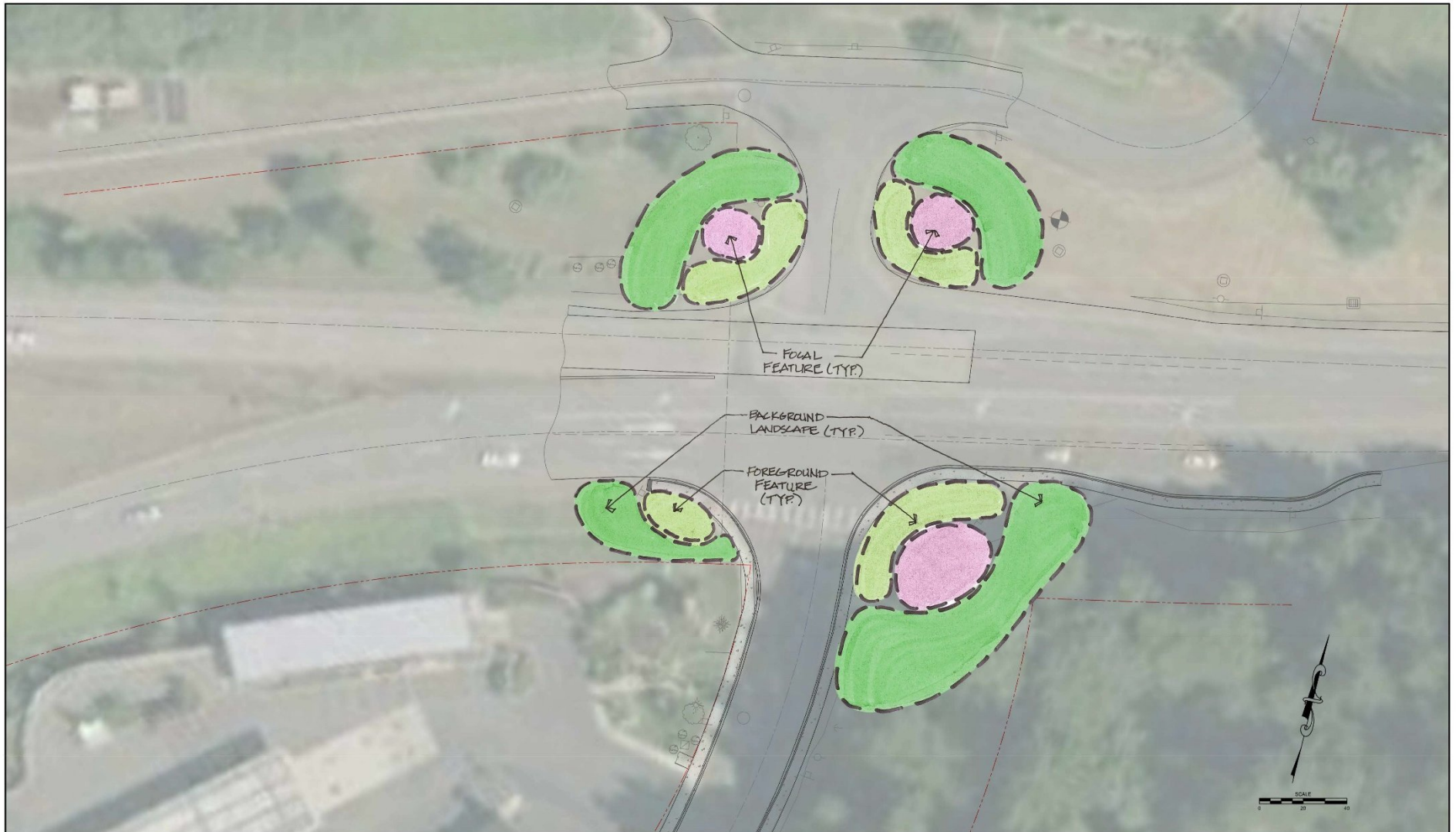
Mitch

City of Camas

NW 6th and Norwood Intersection Options

Existing Intersection





NW 6TH AND NORWOOD - SIGNALIZED INTERSECTION LAYOUT

Signalized Intersection

- Construction Cost - \$300,000
- Design/Construction Support - \$60,000
- Signal Total - \$360,000

Optional

- Gateway Feature Construction - \$150,000
- Design/Construction Support - \$20,000
- Signalized Gateway Total - \$170,000

- Signal Grand Total - \$530,000



CITY OF CAMAS GATEWAY

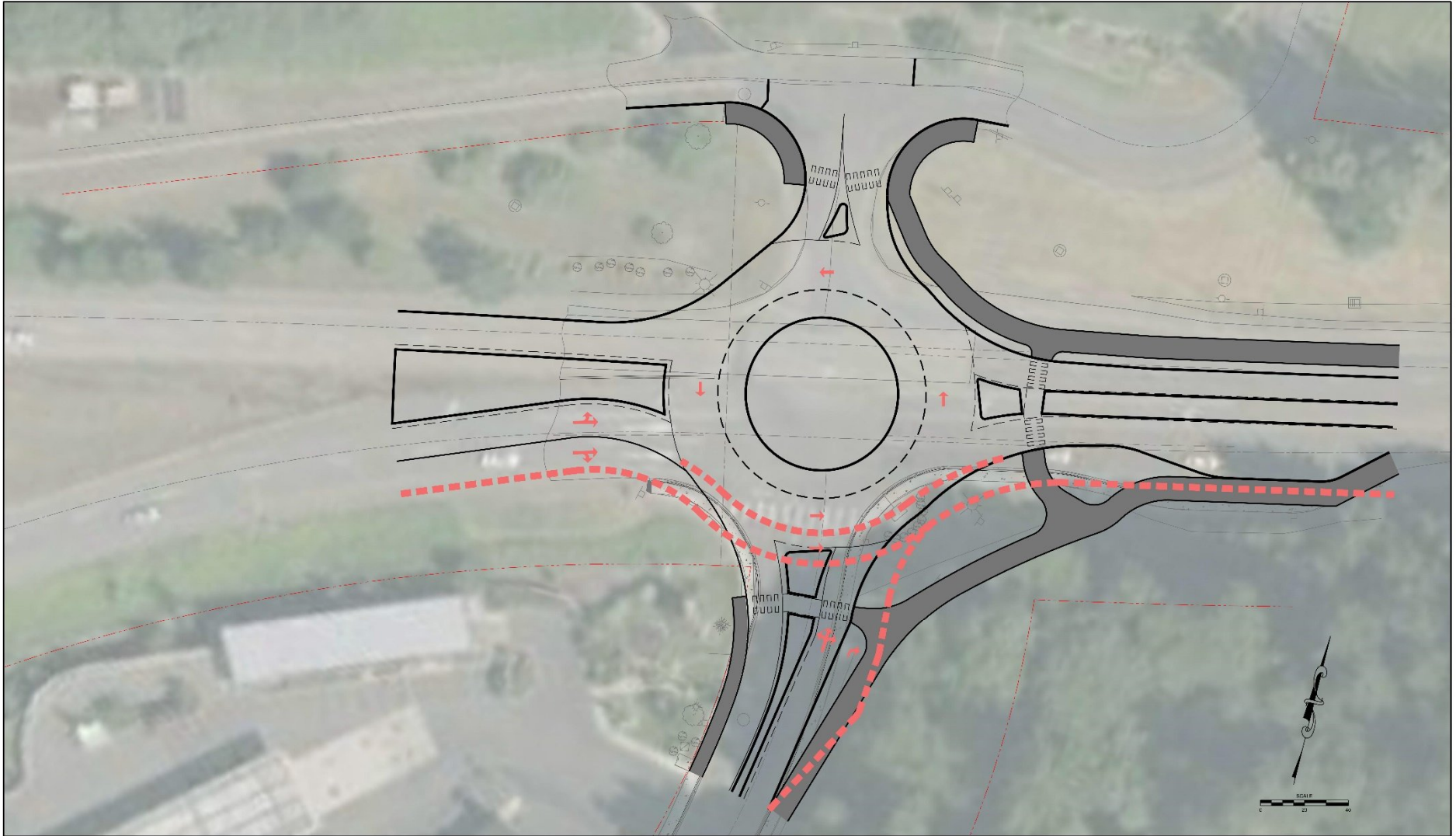


Roundabout Intersection

- Construction Cost - \$975,000
- Design/Construction Support - \$150,000
- Roundabout Total - \$1,125,000

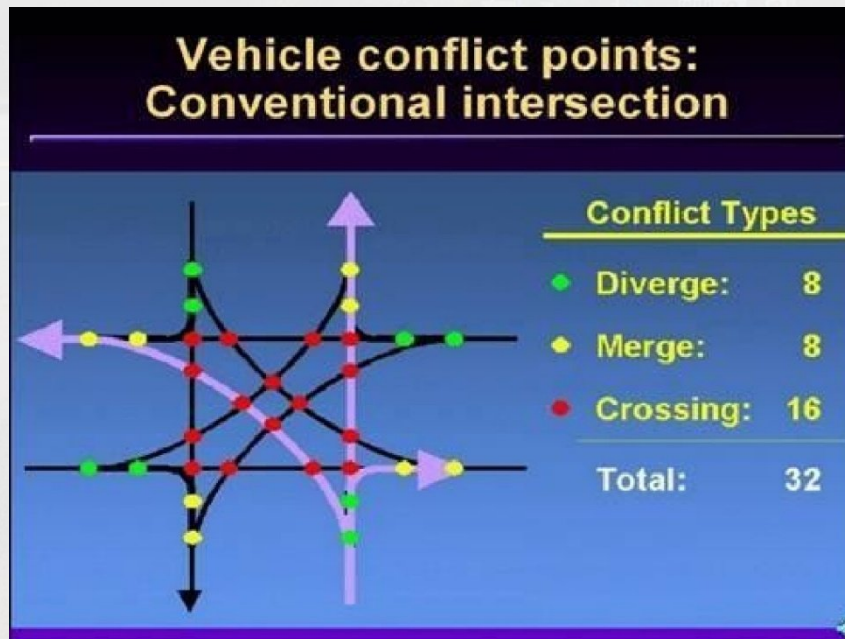
Optional

- Gateway Feature Construction - \$325,000
 - Design/Construction Support - \$50,000
 - Roundabout Gateway Total - \$375,000
- Roundabout Grand Total - \$1,500,000

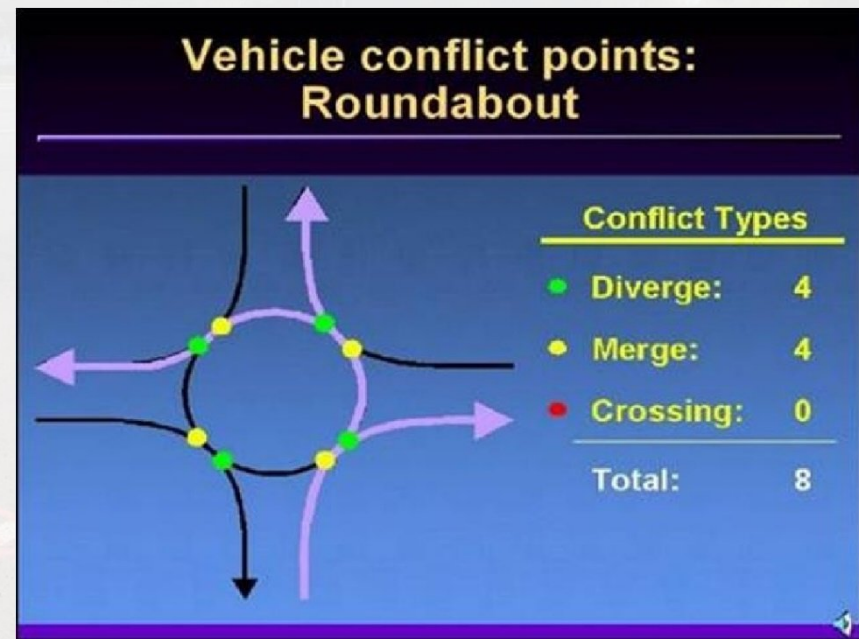


Safety

Signal

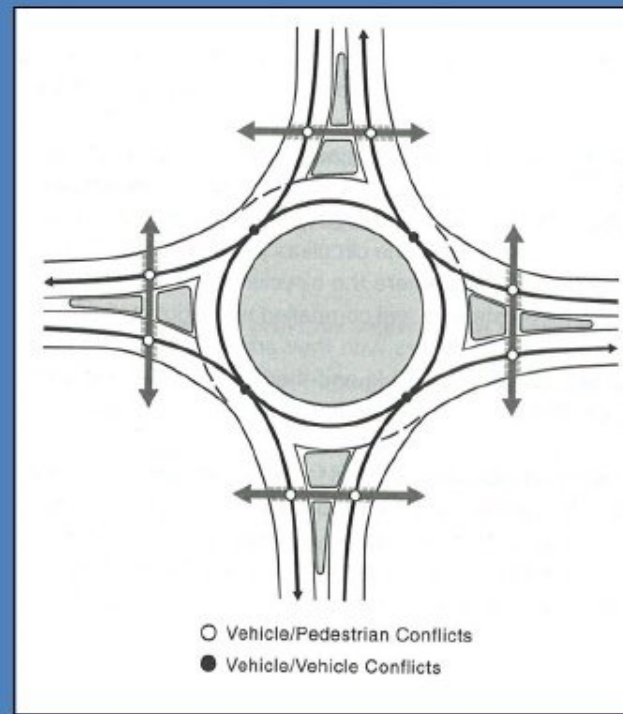
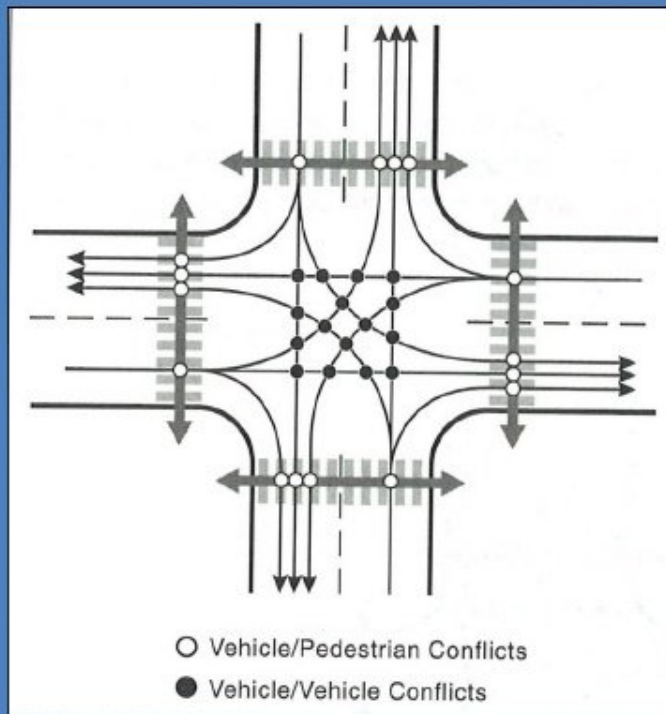


Roundabout



SAFETY

- Roundabouts reduce the number of vehicle to pedestrian conflicts
- 8 conflict points in Roundabout
vs. 16 conflict points in a signalized intersection



Roundabout Benefits

Safety

- Reduce Total Crashes by 35% and Injury Crashes by 76%
- Traffic Calming Effect
- Pedestrian safety:
 - Reduced Speeds
 - Focus on one traffic stream
 - Refuge Island

Operations

- Lower Overall Delay
- Improves Access
- Lower Operating Costs
- Lower Maintenance Costs
- Always Works (*Power Outage*)

Roundabout Benefits

Environmental Factors

- Less Noise
- Less Fuel Consumption
- Better Air Quality
- Less Pavement

Land Use and Aesthetics

- Provides Transition
- Gateway Opportunities
- Improved Access to Businesses and Neighborhoods

CITY OF CAMAS GATEWAY





City of Camas
Contract Change Order

Order No. 1 Date April 6, 2015
Contract for WS-748, 2015 STEP/STEF Tank Pumping
To AAA Septic Service LLC
(Contractor)

You are hereby requested to comply with the following changes from the contract plans and specifications:

Description of Changes (Supplemental Plans and Specifications Attached)	Decrease in Contract Price	Increase in Contract Price
----- A. Add Line Item for: "After Hours Emergency STEP & STEF Tank Pumping"		
	5 EA at \$239.86 =	\$1,192.90
	Sales Tax at 8.4% =	<u>100.20</u>
	Net Change in Contract Price	\$ 1,293.10

NOTE: ITEM "A"

This change order is needed to differentiate between two types of emergency STEP and STEF tank pumping situations: Those during normal working hours and those occurring after normal working hours. This change order requests Council's approval to add a line item to the existing contract between the City and AAA Septic Service LLC for "After Hours Emergency STEP & STEF Tank Pumping." This item will be paid at a rate of \$239.86 per tank pumped.

The amount of the contract will be (~~decreased~~) (increased) by the sum of:
Twelve Hundred Ninety Three and 10/100 dollars (\$ 1,293.10).

The contract total including this and previous change orders will be:
Ninety Nine Thousand Nine Hundred Fifty Six and 91/100 dollars (\$99,956.91).

The contract period provided for completion will be (~~increased~~) (~~decreased~~)
(unchanged): _____ days.

This document will become a supplement to the contract and all provisions will apply hereto.

Requested _____
Engineering Manager _____ Date _____

Recommended _____
Public Works Director _____ Date _____

Accepted _____
Contractor _____ Date _____

Approved _____
Mayor _____ Date _____



**COST PROPOSAL AND AGREEMENT
FOR PROFESSIONAL SERVICES PROVIDED BY
ECOLOGICAL LAND SERVICES, INC. (ELS) and
1157 3rd Ave., Suite 220 Longview, WA 98632
Office: (360) 578-1371 Fax: (360) 414-9305**

March 9, 2015

SERVICES REQUESTED BY:

City of Camas
Attention: Anita Ashton, Engineer III
616 NE 4th Avenue
Camas, WA 98607

Phone: (360) 817-7231
Fax: (360) 834-1535
E-mail: aashton@cityofcamas.us

Corps of Engineers Permit No. NWS 2011-0901

Project Location:
Jurisdictional wetlands and ditches that drain to Dwyer Creek.

Brief Project Description:
Provide Monitoring and Maintenance Activities for the initial five years (2015-2019) of the required ten year monitoring duration. Maintenance services to be provided by sister company Green Tree Landscaping, Inc.

SS-545E Wetland Monitoring and Maintenance for S-545 NW 38th Ave. Phase 1 — this is the project name we have selected, if for any reason you would like to choose a different project name, please indicate here:

DESCRIPTION OF SERVICES AND ESTIMATED COST INCLUDES THE FOLLOWING:

Task 1a: Year One Monitoring (2015)

Includes the following tasks:

- Install monitoring plots onsite and label with metal tags.
- Collect Year One vegetation monitoring data (baseline count to determine survival rate in Year Two) from onsite monitoring plots
- Collect invasive/non-native/noxious vegetation data and draft “Target Weed Management Map”
- Establish permanent site photo point locations, take photos and include within monitoring report.
- Collect general observations of wildlife usage and include summary within monitoring report.
- Verify large woody material and buffer signage are in place onsite.
- Draft Year One Monitoring Report, submit to City of Camas for review, and submit final to agencies.
- Provide supervision to maintenance team (as required)

Estimate Task 1a: \$5,000

Task 1b: Year One Maintenance (2015) *(to be provided by GTL)*

Includes the following tasks:

- Field flagging of native plants within reed canarygrass field to ensure they are retained throughout maintenance activities
- Mowing with weed eater around base of native plants installed within reed canarygrass field (5 visits min.)
- Herbicide application to reed canarygrass after a few weeks of new growth (1 visit).
- Follow up herbicide application to reed canarygrass over the growing season (3 visits min.)
- Provide manual irrigation to native buffer trees and shrubs utilizing water pump and hose based out of truck (up to 64 hours of labor on top of regular maintenance trips).
- Update ELS, INC staff regarding maintenance notes.

Estimate Task 1b: \$11,660 *

Task 2a: Year Two Monitoring (2016)

Includes the following tasks:

- Collect Year Two vegetation monitoring data (survival rate) from onsite monitoring plots
- Collect invasive/non-native/noxious vegetation data and update "Target Weed Management Map" (as necessary)
- Take photos and include within monitoring report.
- Collect general observations of wildlife usage and include summary within monitoring report.
- Verify large woody material and buffer signage are in place onsite.
- Draft Year Two Monitoring Report, submit to City of Camas for review, and submit final to agencies.
- Provide supervision to maintenance team (as required)

Estimate Task 2a: \$4,850

Task 2b: Year Two Maintenance (2016) *(to be provided by GTL)*

Includes the following tasks:

- Focus maintenance and herbicide activities onsite following the "Target Weed Management Map." Mowing with weed eater around base of native plants installed within reed canarygrass field. (5 visits min.)
- Re-flagging of native plants within reed canarygrass field, as necessary, to ensure they are retained throughout maintenance activities.
- Herbicide application to reed canarygrass after a few weeks of new growth (1 visit).
- Follow up herbicide application to reed canarygrass over the growing season (3 visits min.)
- Provide manual irrigation to native buffer trees and shrubs utilizing water pump and hose based out of truck (up to 64 hours of labor on top of regular maintenance trips).
- Update ELS, INC staff regarding maintenance notes.

Estimate Task 2b: \$12,330 *

Task 3a: Year Three Monitoring (2017)

Includes the following tasks:

- Collect Year Three vegetation monitoring data (density/percent cover) from onsite monitoring plots
- Collect invasive/non-native/noxious vegetation data and update "Target Weed Management Map"

(as necessary)

- Take photos and include within monitoring report.
- Collect general observations of wildlife usage and include summary within monitoring report.
- Verify large woody material and buffer signage are in place onsite.
- Draft Year Three Monitoring Report, submit to City of Camas for review, and submit final to agencies.
- Provide supervision to maintenance team (as required)

Estimate Task 3a: \$4,050

Task 3b: Year Three Maintenance (2017) (to be provided by GTL)

Includes the following tasks:

- Focus maintenance and herbicide activities onsite following the “Target Weed Management Map.” Mowing with weed eater around base of native plants installed within reed canarygrass field. (4 visits min.)
- Re-flagging of native plants within reed canarygrass field, as necessary, to ensure they are retained throughout maintenance activities.
- Herbicide application to reed canarygrass after a few weeks of new growth (1 visit).
- Follow up herbicide application to reed canarygrass over the growing season (up to 3 visits)
- Provide manual irrigation to native buffer trees and shrubs utilizing water pump and hose based out of truck (up to 64 hours of labor on top of regular maintenance trips).
- Update ELS, INC staff regarding maintenance notes.

Estimate Task 3b: \$11,860 *

Task 4: Year Four Maintenance (2018) (to be provided by GTL)

Includes the following tasks:

- Focus maintenance and herbicide activities onsite following the “Target Weed Management Map.” Mowing with weed eater around base of native plants installed within reed canarygrass field. (3 herbicide visits and 4 maintenance visits min.)
- Provide manual irrigation to native buffer trees and shrubs utilizing water pump and hose based out of truck (as needed during regularly scheduled visits).
- Update ELS, INC staff regarding maintenance notes.

Estimate Task 4a: \$7,420 *

Task 5a: Year Five Monitoring (2019)

Includes the following tasks:

- Collect Year Five vegetation monitoring data (density/percent cover) from onsite monitoring plots
- Collect invasive/non-native/noxious vegetation data and update “Target Weed Management Map” (as necessary)
- Take photos and include within monitoring report.
- Collect general observations of wildlife usage and include summary within monitoring report.
- Verify large woody material and buffer signage are in place onsite.
- Draft Year Five Monitoring Report, submit to City of Camas for review, and submit final to agencies.
- Provide supervision to maintenance team (as required)

Estimate Task 5a: \$3,650

Task 5b: Year Five Maintenance (2019) (to be provided by GTL)

Includes the following tasks:

- Focus maintenance and herbicide activities onsite following the "Target Weed Management Map." Mowing with weed eater around base of native plants installed within reed canarygrass field. (3 herbicide visits and 4 maintenance visits min.)
- Provide manual irrigation to native buffer trees and shrubs utilizing water pump and hose based out of truck (as needed during regularly scheduled visits).
- Update ELS, INC staff regarding maintenance notes.

Estimate Task 5b: \$7,420 *

Task 6: Project Contingency Fund

Provide additional services, on an as-needed basis, when approved and authorized by the City. This amount shall not be exceeded without prior authorization from the City. Authorization shall be in writing from the City, which may be as an email notification.

Estimate Task 6: \$12,500 *

Total Not-To-Exceed Estimate: \$80,740

***Costs do not include local sales tax. Sales tax will be added at time of invoicing.**

Included: two copies of any report or map, generated by ELS, one copy for client and one copy for applicable agency. Charges will be applied for any additional copies needed.

Not included: application fees and costs, meetings and site visits beyond those specified within the estimate including those required by any regulatory agency, revisions requested by the client or regulatory agencies, post-application revisions, additions outside of the work quoted on the estimate, additional time and revisions related to changes required by regulatory agencies, additional time and reports related to opposition to the project and other time and expenses not specified within the estimate.

STANDARD BILLING RATES:

The cost estimates presented in this proposal are based on the following standard billing rate of ELS:

\$ 185.00/hr.	President	\$ 60.00/hr.	Biologist/Environmental Scientist I
\$ 150.00/hr.	Principal	\$ 40.00/hr.	Entry Level Biologist
\$ 115.00/hr.	Professional	\$ 85.00/hr.	Graphics Services
\$ 100.00/hr.	Biologist/Environmental Scientist IV	\$ 75.00/hr.	Business Analyst
\$ 80.00/hr.	Biologist/Environmental Scientist III	\$ 50.00/hr.	Administrative Staff
\$ 70.00/hr.	Biologist/Environmental Scientist II		
\$ 0.575/mile	Mileage billing rate (travel to and from project site will be billed to client)		
Double the hourly rate Expert Witness Testimony/Litigation Support			

Important: The estimated cost proposal is based upon ELS's understanding of the scope of the project at the time of the estimate. Over the course of the project unforeseen difficulties may arise which are outside of ELS's control. If the work required to complete the project expands, billing will be adjusted in accordance with the additional work required. For any such expansion of work requested by client, ELS shall bill on a time and materials basis (see hourly rates above), materials or outside services needed to complete such work will be billed at cost with a handling fee (as noted in Item #4 listed under Further Terms of Agreement set forth herein).

ELS will bill on a time and materials basis for in-scope work completed under this agreement up to, but not exceeding the total estimate amount. This estimate is valid for *30 days* from the date of this letter.

Initial

Assumptions: This cost estimate is based on the assumptions listed in **Exhibit A**. Should any of these assumptions not apply; ELS will notify the client, and additional charges will be billed on a time and materials basis.

Initial

Terms of Agreement, Exhibit B: The document attached and included with this Cost Proposal and Agreement entitled "FURTHER TERMS OF AGREEMENT", is by this reference fully incorporated herein and the terms and conditions set forth therein are expressly agreed to by the parties.

Initial

If at any time the *account balance for this project is beyond 30 days past due* work will cease until payment is received. *Current balance must be satisfied prior to final report being released to client.*

Initial

Payment for services is due as indicated above. If special arrangements are requested for payment, they are noted as follows and may incur additional administrative costs. Unless otherwise noted, client will be billed for services and budgets will be tracked under the Total Cost Proposal Estimate listed above: _____

ACCEPTANCE AND AGREEMENT

I hereby authorize ECOLOGICAL LAND SERVICES, INC. to perform work as described above. I also agree that I am familiar with and accept the terms as stated in this Cost Proposal and Agreement, dated this _____ day of _____, _____.

Client: City of Camas, WA


Jacqueline Massey, Principal
Ecological Land Services, Inc.

Client (Signed Name)
City of Camas, WA

Client (Printed Name)
City of Camas, WA

Exhibit A

This Cost Proposal offered by ELS, Inc. is based upon the following standard assumptions. Should one or more of these assumptions be incorrect, change or otherwise be altered costs and time for completion of the project may be impacted. Client's signature after review of the following assumptions denotes agreement that these assumptions are accurate and acceptance of risk by the client should presumption(s) prove to be inaccurate at any point during ELS, Inc.'s course of work on the project.

Universal Project Assumptions:

1. No violations exist for the subject property.
2. Unless stated elsewhere within the proposal, no more than one field visit will be required by ELS, Inc. or its agents.
3. Site conditions during project work will not differ significantly from the conditions ELS, Inc. observed or assumed when creating this proposal. These observations or assumptions are based upon one or more of the following: a pre-proposal site visit, correspondence with the client, or information derived from aerial photography.
4. The client has the right to access the subject property and will grant ELS, Inc. and its agents right of entry as needed to perform any and all tasks requested or listed within the Cost Proposal and Agreement.
5. All portions of the subject property are easily accessible with minimal clearing required to access and navigate the site. No hazardous conditions or livestock will be present on the subject property at the time of any site visit.
6. Property information provided for the project is accurate and subject property boundaries are clearly marked and understandable.
7. ELS, Inc. will flag independently and leave flags onsite. Flags will remain in place and undisturbed for the duration of the project.
8. ELS, Inc. has been provided with correct billing and contact information and the correct project name.

Client: City of Camas

Client (Signed Name)

City of Camas, WA

Client (Printed Name)

City of Camas, WA

Date

Exhibit B

FURTHER TERMS OF AGREEMENT FOR PROFESSIONAL SERVICES PROVIDED BY ECOLOGICAL LAND SERVICES, INC.

1. The client orders the professional services of ECOLOGICAL LAND SERVICES, INC. Said professional services may include jurisdictional wetland delineation, environmental report preparation, environmental permit applications, and other environmental related and consulting services.
2. ECOLOGICAL LAND SERVICES, INC. agrees to furnish and perform the professional services described herein in accordance with accepted professional standards. ECOLOGICAL LAND SERVICES, INC. agrees to perform said work in a timely manner, provided that ECOLOGICAL LAND SERVICES, INC. shall not be responsible for delays in completing said work that cannot reasonably be foreseen on date hereof, for delays which are caused by factors beyond their control, delays resulting from the action or inaction of any government agency or subcontractor not hired by ECOLOGICAL LAND SERVICES, INC, or for delays resulting from the action or inaction of the client.
3. ECOLOGICAL LAND SERVICES, INC. makes no warranty, expressed or implied, as to their findings, recommendations, plans and specifications, or professional advice except that they were made or prepared in accordance with generally accepted practices. It is agreed that the professional services described herein shall be performed for the client's account. All past due accounts will be charged one percent per month or 12% per annum.
4. In the event that a subcontractor is needed for a project and the client wishes to have the subcontractor bill Ecological Land Services, Inc. directly, a 10% handling fee will be added to client invoice for this. In the event that permit costs are needed for a portion of a project and the client wishes to have Ecological Land Services, Inc. pay costs at time of request, a 10% handling fee will be added to client invoice for this service. Other project expenses paid in advance by Ecological Land Services, Inc., a 10% handling fee will be added to client invoice for such costs. These costs can include; but not limited to: aerial photos, specialty maps, government documentation, color copies, oversized copies, film development and some field related supplies.
5. Sales Tax will be applied to any project that includes: planting/installation and/or maintenance. The sales tax rate will be based on the site location of project. Sales tax will be applied to in-house copies, statement to be provided by ECOLOGICAL LAND SERVICES, INC, when applicable.
6. The client and ECOLOGICAL LAND SERVICES, INC. each bind themselves, their partners, successors, executors, and assignees to the other party of this agreement and to the partners, successors, executors, and assigns of such other party in respect to this agreement.
7. By mutual agreement of the parties hereto, the client hereby agrees to indemnify, defend and hold harmless ECOLOGICAL LAND SERVICES, INC. from damages or liability of any character, including in part, personal injury, property damage, costs, expenses and attorney fees arising out of any negligent act, error or omission of the client, or any person or organization for whom client may be responsible.
8. The client shall be responsible for payment of all costs and expenses incurred by ECOLOGICAL LAND SERVICES, INC. for client's account; including any such moneys that ECOLOGICAL LAND SERVICES, INC. may advance for the client's account for any reasonable project related purpose.
9. Both the client and ECOLOGICAL LAND SERVICES, INC. have the right to terminate this agreement at any time by giving the other party three (3) days written notice thereof. In such case, ECOLOGICAL LAND SERVICES, INC. shall be paid in full for all services performed to the date of termination. Said charges shall be based on the percentage of project completion as of the termination date unless other arrangements have been made.
10. ECOLOGICAL LAND SERVICES, INC. reserves the right to withdraw this proposal if not accepted within 30 days.
11. If the client fails to pay as agreed and collection or other remedies are necessary, Ecological Land Services, Inc. shall be entitled to collect all costs of collection, including reasonable attorney's fees, costs and pre-judgment interest as allowed by contract.
12. In executing the Cost Proposal and Agreement, an electronic, facsimile, or other authorized reproduced or stamped signature may be used to sign and execute the agreement and shall have the same force and effect as a written signature.
13. All project-related written materials are created using best available science and professional judgment. Any content-related changes to project documentation that are requested by the client may result in additional fees billed on a time and materials basis. Any such changes are made at the client's own risk. Changes made by ELS at the request of the client may not stand up to agency scrutiny or review, may be rejected by regulatory agencies and may result in additional costs or delays.
14. This Agreement shall be governed by and construed in accordance with the laws of the borough, county, province of the State of Washington in which the project is located. Any dispute which arises from this agreement shall be litigated within the borough, county, province of the State of Washington which the project is located.
15. The invalidity or unenforceability of any provision of this Agreement shall not affect the validity or enforceability of any other provisions of this Agreement, which shall remain in full force and effect.



STAFF REPORT

CAMAS MUNICIPAL CODE AMENDMENT FOR VESTED APPLICATIONS

FILE #MC15-01

MARCH 6, 2015

To: Mayor Higgins
City Council

From: Sarah Fox, Senior Planner on behalf of the Planning Commission

Compliance with state agencies: Notice of the public hearing before Planning Commission was published in the Camas Post Record on February 10, 2015 (publication no. 528732). When a public hearing before Council is scheduled, notices will be posted as required. WA Department of Commerce acknowledged receipt of notice on February 10, 2015 with Material ID #21038.

SUMMARY

The proposed amendment will add a new section after Camas Municipal Code (CMC), Section 18.55.130, in order to clarify when a “technically complete” development application will expire if inactive. At present, CMC Section 18.55.130(D) allows an applicant to request that a project be put on hold for an indefinite amount of time without expiring, and without issuance of a decision. In general, there are mandated timeframes that the City must meet while reviewing applications and issuing decisions, however there are no time limits placed on the applicant to progress their project forward after it has been deemed “technically complete”.

On February 18, 2015, Planning Commission held a public hearing to review amendments to Camas Municipal Code (CMC) Chapter 18.55 Administration and Procedures, and forwarded a recommendation of approval to Council.

ANALYSIS

The City adopted regulations consistent with RCW 36.70A.040, which established time periods for agency actions for each type of project permit application (e.g. Types 1 through 4) and provides timely and predictable procedures to determine whether an application meets the specific requirements. In the majority of the cases, the time period for rendering a decision on a technically complete application is less than one hundred twenty days. As a rule, staff reviews development permits well under the state regulated time limits.

The concern regarding vesting: A technically complete status vests the application in the codes on the date of application, which means that any code changes following that date will not be applicable. Occasionally, at this point, an applicant will submit a request to the Director to hold their application, and not render a decision. Typically, it is not a concern, as the applicants will reactivate their projects within that same year. The reasons vary for applications being voluntarily put on hold, although it is usually requested when ownership of a project changes hands, or there are technical studies that require extensive monitoring, or multiple agencies are involved in the review.

There are inactive applications that would have expired years ago had a decision been issued. The City periodically updates the development code for a variety of reasons. A vested application will not be consistent with those policies or regulations years later. The proposed amendment will provide guidance for this situation.

Why now? With economic and development activity in the City on the increase, staff had to navigate through several projects that had been dormant for almost ten years. With some exceptions, these applications were not required to comply with current policies or amended regulations, as they were vested in those past codes. There are approximately four applications that have been deemed technically complete, are vested, and are in an inactive status at present.

This recent experience and the desire to prevent future conflicts prompted staff to propose more clarity to be added to permit processing contained within CMC Chapter 18.55 *Administration and Procedures*. The proposed amendments will add a new section, Section 18.55.140, entitled “Expiration of Complete Land Use Applications” to follow CMC§18.55.130 *Letter of Completeness Type II, Type III or SMP*. The proposed amendments are attached to this report as “Exhibit 3-Proposed amendments to CMC Ch. 18.55”. In the course of researching this topic, staff included the responsive emails from the following authorities: Shawn Macpherson, City Attorney; Carol Tobin, Municipal Research and Services Center (MRSC); and Phil Bourquin, Community Development Director (Exhibit 1). The additional research information recommended by these authorities was also provided (Exhibit 2).

In conclusion, there are very few applications in the City that are considered inactive, and as proposed, this amendment requires specific outreach actions to occur prior to determining an expiration date.

RECOMMENDATION

That City Council conducts a public hearing, deliberates, and adds Section 18.55.140 –Expiration of Complete Land Use Applications, to the Camas Municipal Codes.

Exhibit 1
(MC15-01) Permit Expirations

From: Carol Tobin <ctobin@mrsc.org>
Sent: Wednesday, January 14, 2015 5:07 PM
To: Sarah Fox
Subject: RE: limiting the validity of development applications if decisions are not issued

Hi Sarah,

This is in response to your request for examples and guidance regarding limiting the time that a complete application may be on hold.

I'm sure you are aware of RCW 36.70B.070 regarding the determination of completeness for permit project applications. Since the statutes do not provide specific direction regarding what constitutes a complete application or procedures associated with this, it is up to the city to establish procedures regarding complete applications, including any time limit on the expiration of a complete application.

I found a few examples of codes that address the expiration of complete applications:

- Renton Municipal Code sec. 4-8-100 APPLICATION AND DECISION – GENERAL: (C)(4) Expiration of Complete Land Use Applications and (C) (5) Extension of Complete Application:
- Shoreline Municipal Code, sec. 20.30.100 (D) Expiration, 20.30.140 – Permit processing time limits, 20.30.160 - Expiration of vested status of land use permits and approvals, and 20.30.165
- Chelan Municipal Code sec. 19.18.110 - Expiration of applications.

I discussed the retroactive application of this concept with one of MRSC's legal consultants. He indicated that this should be OK if the city starts the time limit now for applications currently on hold and notifies the applicant of the new expiration deadline. In other words, if, for example, the city imposes a one-year limit and an existing application has been on hold for one year, that application could stay on hold for one year more. The same approach would apply to an application that has been on hold for many years. If the city decides on a one-year limit, that application could also stay on hold for one year more.

Most codes address expiration when the city requests additional information from the applicant to make a determination that an application is complete rather than the situation you mention where an application has been determined to be complete, but the applicant requests an extension (for example, see Gig Harbor Municipal Code sec. 19.02.006 - Expiration of complete applications).

I hope this information is helpful. Please let me know if you have further questions.

Thank you for contacting MRSC. Help us improve our services by taking our five-question survey [here](#).

Carol

Carol Tobin

Planning Consultant

206.436-3797/800.933.6772 | MRSC.org | Local Government Success

Sarah Fox

From: Phil Bourquin
Sent: Wednesday, January 14, 2015 2:18 PM
To: Sarah Fox
Subject: Expiration of Vested Rights

Follow Up Flag: Follow up
Flag Status: Flagged

Excerpt from Blaine Municipal Code:

F. 1. Above and beyond the requirements of subsections (A) through (E) of this section, all permit applications shall be valid for one year from the date of the written notice that the application is complete. If a final decision by the review authority is not made within this time, the application shall become null and void unless an extension is granted. The review authority may grant a maximum of two one-year extensions at the timely request of the applicant upon the determination by the city that the applicant can establish that a reasonable good faith effort to complete the project application was undertaken during the time that the application was pending. Each one-year extension shall be considered independently.

2. In determining the number of days that have elapsed after an application is determined to be complete for the purposes of subsection (F)(1) of this section, any time period during which an environmental impact statement is being prepared following a determination of significance pursuant to Chapter 43.21C RCW and Chapter 17.80 BMC shall be excluded. (Ord. 2811 § 2 (Exh. A), 2012; Ord. 2728 § 2 (Exh. A), 2009; Ord. 2673 § 2, 2007; Ord. 2554 § 3, 2003)

Phil Bourquin
Community Development Director
Ph. 360.817.1562 ext. 4254
Email: pbourquin@cityofcamas.us



Live, Work, Recreate and Educate

From: macphersonlaw@comcast.net
Sent: Tuesday, January 20, 2015 3:35 PM
To: Sarah Fox
Cc: Phil Bourquin; MacPherson, shawn
Subject: Re: code amendment assistance
Attachments: Erickson v McLerran.pdf; Bellevue Code.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

In reference to CMC18.55.130(D), I do not read the code as allowing a developer to unilaterally request an indefinite hold. The reference to extensions of time requires that both the applicant and the City agree to it. In such a circumstance, the City could reasonably impose time limitations. Bellevue has a code section 20.40.510, which deals with "cancellation of land use applications." I have attached a copy. For clarity, we could include an amendment which indicates that any extensions of time have a time limit, and, following this period of inactivity, the City would have the discretion to cancel the land use application.

I have also attached a Supreme Court case, *Erickson & Associates, Inc v McLerran*, 123 Wn 2d 864 (1994). Essentially, the Supreme Court has ruled that local jurisdictions have the right to adopt vesting rules which "suit their particular local needs." There is a discussion on the top of page 874 which discusses the balancing act between the interests of the developer and the interests of the local jurisdiction.

Upon review, if you want to meet and more fully discuss this matter, please let me know. Thank you.

From: "Sarah Fox" <SFox@cityofcamas.us>
To: "MacPherson Law" <macphersonlaw@comcast.net> <macphersonlaw@comcast.net>
Cc: "Phil Bourquin" <PBourquin@cityofcamas.us>
Sent: Wednesday, January 14, 2015 11:08:54 AM
Subject: code amendment assistance

Hi Shawn,

Phil asked that I find a solution, and propose a code amendment that will impose a time limitations on pending applications. Particularly those where an applicant has requested that they are placed on hold. I have searched MRSC and Planning.org, and the web in general and have not found any guidance or examples. Perhaps I am using the wrong search terms?

I attached the draft staff report summary, which is an attempt to explain the problem that we would like to solve. Do you have any suggestions?

Thanks!

SUMMARY

There is an understanding that development applications may progress at the discretion of applicant, aside from the city's requirements to respond and issue decisions. Some applicants request that their development application, after being determined "technically complete", be placed on hold, essentially stopping the regulatory time clock for decision making. The reasons vary, although it is typically requested when ownership of a project changes hands, or there are technical studies that must be conducted in order to proceed. The city is concerned about the effect to the community when a development application is on hold indefinitely, and the vested codes are not consistent with current regulations, particularly current environmental regulations.

ity, however, abandons this solid precedent and uses common law to expand the availability of attorney fees. We have consistently left such decisions to the Legislature, and until the Legislature acts to change the current rule, I would adhere to the long-established precedent that attorney fees are not recoverable in a slander of title action. Therefore, I dissent.

ANDERSEN, C.J., and MADSEN, J., concur with DOLLIVER, J.

[No. 60623-4. En Banc. May 19, 1994.]

ERICKSON & ASSOCIATES, INC., ET AL, *Petitioners*, v.
DENNIS J. MCLERRAN, ET AL, *Respondents*.

- [1] **Statutes — Validity — Presumption — Burden of Proof — Degree of Proof.** A legislative enactment challenged on constitutional grounds is presumed to be constitutional and the challenger has the burden of proving its unconstitutionality beyond a reasonable doubt.
- [2] **Building Regulations — Land Use Regulations — Due Process — Vesting Doctrine.** An ordinance under which a development “vests” with respect to existing land use regulations not later than the date the developer submits a complete building permit application satisfies constitutional due process requirements.
- [3] **Building Regulations — Vesting Doctrine — Local Ordinances — Test.** Municipalities may enact their own vesting schemes to suit their particular local needs so long as the schemes remain within the parameters set by RCW 19.27.095(1) and the common law vesting doctrine.

Nature of Action: A developer sought judicial review of the application of a critical areas ordinance to a development project for which the developer had earlier submitted a master use permit application.

Superior Court: The Superior Court for King County, No. 90-2-25053-9, Ann Schindler, J., on April 14, 1992, denied the developer’s motion for summary judgment.

Court of Appeals: The court at 69 Wn. App. 564 *affirmed* the denial of the summary judgment, holding that the developer’s right to a master use permit did not vest before the critical areas ordinance was enacted.

Supreme Court: Holding that a local ordinance defining the time at which a development vests is constitutional and satisfies common law and statutory requirements and that the development did not vest upon application for a master use permit, the court *affirms* the decision of the Court of Appeals.

Oles, Morrison & Rinker, by David H. Karlen, for petitioners.

Mark H. Sidran, City Attorney, and *Patrick J. Schneider* and *Robert D. Tobin*, Assistants, for respondents.

Stephen M. Rummage, *Thomas A. Goeltz*, and *Marco de Sa e Silva* on behalf of Building Industry Association of Washington, amicus curiae for petitioners.

Patrick D. Sutherland, Prosecuting Attorney for Thurston County, and *Thomas R. Bjorgen*, Senior Deputy, on behalf of the Association of Washington Cities, Washington Association of Prosecuting Attorneys, and Washington Association of Counties, amici curiae for respondents.

David A. Bricklin and *Michael W. Gendler* on behalf of Washington Environmental Council, amicus curiae for respondents.

JOHNSON, J. — This appeal involves the application of Washington’s vested rights doctrine to master use permit applications. Petitioners, Erickson & Associates and Ron Danz (Erickson), challenge a City of Seattle ordinance that sets the vesting date for development projects. Under the city ordinance, Seattle Municipal Code (SMC) 23.76.026, a

development project vests (1) when the developer submits a complete building permit application, or (2) when the City earlier issues a master use permit without a building permit application. Erickson contends the ordinance is unconstitutional, arguing Washington's vested rights doctrine requires the City to vest development rights when a master use permit application is submitted rather than when it is issued. The trial court denied Erickson's summary judgment motion on this issue and the Court of Appeals affirmed. We agree.

I

Master Use Permits (MUP's) are site plan approval permits employed by the City of Seattle to streamline the regulatory review process. MUP's are "umbrella" or "master" permits, which actually represent a number of independent regulatory components, including environmental impact review, comprehensive plan review, and other *use* inquiries. MUP's are mandatory for development in Seattle; however, MUP review is an iterative process. Developers may have general concepts in mind for development of property, and want to explore various scenarios with the municipality. In response to municipal feedback, project plans change and evolve. As plans develop, the specific requirements of a particular MUP may change. The MUP process makes it easier for developers and citizens to get through the land use regulatory review process by having one employee designated as the applicant's "contact" person.

On July 5, 1990, Erickson submitted a MUP application to the City of Seattle's Department of Construction and Land Use (DCLU). Erickson sought "use approval" for a commercial and residential project it proposed to build in the city. The proposed project consisted of residential units, approximately 4,500 square feet of commercial space, and 43 parking stalls. Erickson did not submit a building permit application for this project.

During the permitting process, the Seattle City Council passed an interim ordinance, SMC 25.09, in response to the

Growth Management Act's requirement that local governments adopt critical areas ordinances. RCW 36.70A.060(2). The ordinance applies to properties with steep slopes or other sensitive features such as wetlands, and prohibits more than 40 percent of applicable properties to be covered with impermeable surfaces such as parking lots, driveways, or roofs. SMC 25.09.

During the review of Erickson's MUP application, DCLU determined part of Erickson's project was located on slopes steep enough to qualify as a "critical area" under the new ordinance. After finding Erickson proposed to cover approximately 80 percent of the property with impervious surfaces, DCLU sent written notice that Erickson would have to revise the project, conform it to the ordinance, or obtain a reasonable use exception from the requirements of the ordinance.

Instead, Erickson filed a petition for a writ of certiorari to challenge the application of the critical areas ordinance to its project. Erickson claimed that, like a building permit, the MUP application vested on the date it was filed. The trial court quashed the writ of review because Erickson did not first seek a reasonable use exception. Erickson then sought and was denied the exception.

Having exhausted administrative remedies, Erickson moved for partial summary judgment on the vested rights issue. The trial court denied Erickson's summary judgment motion. Erickson appealed to Division One of the Court of Appeals. The Court of Appeals affirmed the trial court, upholding the constitutionality of SMC 23.76.026. *Erickson & Assocs., Inc. v. McLerran*, 69 Wn. App. 564, 570, 849 P.2d 688 (1993). Erickson now appeals that judgment.

II

At issue in this case is whether Washington's vested rights doctrine applies to the filing of a completed MUP application as it does to the filing of a building permit application.

Washington's doctrine of vested rights entitles developers to have a land development proposal processed under the

regulations in effect at the time a complete building permit application is filed, regardless of subsequent changes in zoning or other land use regulations. *West Main Assocs. v. Bellevue*, 106 Wn.2d 47, 720 P.2d 782 (1986); *Hull v. Hunt*, 53 Wn.2d 125, 331 P.2d 856 (1958); *State ex rel. Ogden v. Bellevue*, 45 Wn.2d 492, 275 P.2d 899 (1954); Richard L. Settle, *Washington Land Use and Environmental Law and Practice* § 2.7 (1983). The building permit application must (1) be sufficiently complete, (2) comply with existing zoning ordinances and building codes, and (3) be filed during the effective period of the zoning ordinances under which the developer seeks to develop. *Valley View Indus. Park v. Redmond*, 107 Wn.2d 621, 638, 733 P.2d 182 (1987).

In 1987, the Legislature codified these principles. Laws of 1987, ch. 104, pp. 317-18 (codified at RCW 19.27.095(1)). RCW 19.27.095(1) provides:

A valid and fully complete building permit application for a structure, that is permitted under the zoning or other land use control ordinances in effect on the date of the application shall be considered under the building permit ordinance in effect at the time of application, and the zoning or other land use control ordinances in effect on the date of application.

Washington's vesting rule runs counter to the overwhelming majority rule that "development is not immune from subsequently adopted regulations until a building permit has been obtained and substantial development has occurred in reliance on the permit." Settle, *supra* at 40. This court rejected the reliance-based majority rule, instead embracing a vesting principle which places great emphasis on certainty and predictability in land use regulations. *West Main Assocs.*, 106 Wn.2d at 51. "The purpose of the vesting doctrine is to allow developers to determine, or 'fix,' the rules that will govern their land development." *West Main Assocs.*, 106 Wn.2d at 51.

At issue here is an ordinance that regulates the vesting date for Seattle master use permits. Seattle Municipal Code 23.76.026, "Vesting of development rights", reads in pertinent part:

Applications for all master use permit components except subdivisions and short subdivisions shall be considered under the Land Use Code and other land use control ordinances in effect on the date a fully complete building permit application, meeting the requirements of Section 302 of the Seattle Building Code, is filed. Until a complete building permit application is filed, such Master Use Permit applications shall be reviewed subject to any zoning or other land use control ordinances that become effective prior to the date that notice of the Director's decision on the application is published, if the decision can be appealed to the Hearing Examiner, or prior to the date of the Director's decision if no Hearing Examiner appeal is available.

(Footnote omitted.) SMC 23.76.026. Under the Seattle ordinance, vesting occurs either (1) when a developer files a complete building permit application at any point in the MUP permitting process (known as a "combined MUP"), or (2) when the MUP is issued by the City, even if no building permit has been submitted (known as a straight MUP).

Erickson challenges the constitutionality of SMC 23.76.026, arguing the ordinance infringes upon development interests and violates Erickson's due process right to be treated in a fair manner by the City. Erickson contends the vested rights doctrine is not limited to building permit applications and the doctrine requires the City to process MUP applications according to the land use regulations in effect at the time a MUP is filed. Erickson further argues land development in Washington has become increasingly complex, discretionary, and expensive and the vested rights doctrine will afford property owners little protection if its scope is limited to building permit applications.

III

[1] Erickson first argues SMC 23.76.026 is constitutionally defective. When reviewing a constitutional challenge to a legislative enactment we presume the enactment is constitutional, and the party challenging the enactment bears the burden of proving it unconstitutional beyond a reasonable doubt. *State v. Brayman*, 110 Wn.2d 183, 193, 751 P.2d 294 (1988); *Tekoa Constr., Inc. v. Seattle*, 56 Wn. App. 28, 34, 781 P.2d 1324 (1989), *review denied*, 114 Wn.2d 1005 (1990).

[2] Erickson correctly asserts our vesting doctrine is rooted in constitutional principles of fundamental fairness. The doctrine reflects a recognition that development rights represent a valuable and protectable property right. *West Main Assocs.*, 106 Wn.2d at 50 (citing *Louthan v. King Cy.*, 94 Wn.2d 422, 428, 617 P.2d 977 (1980)). By promoting a date certain vesting point, our doctrine insures "that new land-use ordinances do not unduly oppress development rights, thereby denying a property owner's right to due process under the law." *Valley View Indus. Park*, 107 Wn.2d at 637. Our vested rights cases thus establish the constitutional minimum: a "date certain" standard that satisfies due process requirements. *Hull*, 53 Wn.2d at 130.

Seattle contends its vesting ordinance complies with the minimum requirements set forth by this court and by statute. We agree. Under SMC 23.76.026 the vesting point for a MUP application is controllable by a developer, and, in all instances, vesting occurs no later than the building permit application stage. At any point in the MUP review process a developer can file a complete building permit application. The developer's rights then vest and the City must process the proposed project under the then existing land use and construction ordinances.

Because its ordinance complies with the statutory and common law vesting requirements, Seattle argues it should not be required to vest development rights earlier, at the outset of the MUP review stage. Erickson contends, however, the constitutional principles underlying the vested rights doctrine require Seattle to apply the rules applicable to vesting in the building permit context to MUP applications. Seattle's failure to do so, Erickson argues, ignores the constitutional underpinnings of the vested rights doctrine and ignores the practicalities of modern property development.

Both parties agree MUP's are now a critical part of the development process. Therefore, Erickson argues, under Seattle's land use permitting scheme, the need for certainty is greatest at the use review stage and the vested rights

doctrine should protect development rights when a developer applies for a MUP. Erickson's arguments ignore that the City's ordinance does afford developers certainty and predictability required by due process. A developer controls the date of vesting by selecting the time at which he/she chooses to submit a completed building application. Here, Erickson opted for the straight MUP process, under which no vesting occurs until the MUP is approved. Under Seattle's ordinance, Erickson could have protected its rights by filing a building permit at the beginning or at any point in the process. Erickson failed to do so, even though "[t]he MUP application met all requirements then in effect, and the MUP was just about to be issued" when the Seattle City Council enacted the critical areas ordinance. Pet. for Review, at 2-3.

Erickson further argues Seattle's vesting ordinance gives the City limitless discretion to delay the issuance of a MUP, so as to bring a proposed project within the scope of new land use regulations. We disagree. This is not a case where the City has reserved for itself the sole discretion to determine the date of vesting. See, e.g., *West Main Assocs.*, 106 Wn.2d at 52-53 (court struck down a municipal ordinance requiring, along with the filing of a complete building permit, city approval of several additional permits before development rights vested); see also *Adams v. Thurston Cy.*, 70 Wn. App. 471, 855 P.2d 284 (1993). Erickson does not argue the City acted in bad faith with respect to Erickson's application. Even absent rigid deadlines, the City is still obligated to act in good faith when processing MUP applications.

Erickson next argues the vested rights doctrine is not limited to building permit applications, but instead applies to other land development permits. Erickson contends the Court of Appeals decision in this case conflicts with prior decisions applying the vested rights doctrine in other contexts. See, e.g., *Talbot v. Gray*, 11 Wn. App. 807, 811, 525 P.2d 801 (1974) (shoreline permit), *review denied*, 85 Wn.2d 1001 (1975); *Juanita Bay Vly. Comm'ty Ass'n v. Kirkland*, 9 Wn. App. 59, 83-84, 510 P.2d 1140 (grading permit), *review*

denied, 83 Wn.2d 1002 (1973); *Ford v. Bellingham-Whatcom Cy. Dist. Bd. of Health*, 16 Wn. App. 709, 715, 558 P.2d 821 (1977) (septic tank permit); but see *Norco Constr., Inc. v. King Cy.*, 97 Wn.2d 680, 649 P.2d 103 (1982) (court declined to extend the vested rights doctrine to preliminary plat applications). In support of this argument, Erickson relies on two cases in which courts have applied the vested rights doctrine to use permit applications. See *Victoria Tower Partnership v. Seattle*, 49 Wn. App. 755, 745 P.2d 1328 (1987), appeal after remand, 59 Wn. App. 592, 800 P.2d 380 (1990), review denied, 116 Wn.2d 1012 (1991); *Beach v. Board of Adj.*, 73 Wn.2d 343, 438 P.2d 617 (1968).

Erickson's argument is not persuasive. Neither *Beach* nor *Victoria Tower* controls the outcome of this case because neither case involved a vesting ordinance like the one at issue here. *Beach* involved a conditional use permit. The determinative issue was whether a verbatim record of proceedings was required to establish an adequate record for review. The court held a verbatim record of administrative proceedings was necessary to enable judicial review under a writ of review. Because no such record existed, the case was remanded for a new hearing on the developer's conditional use permit application. *Beach*, 73 Wn.2d at 347. The conditional use permit at issue in *Beach* does not support Erickson's argument regarding the MUP vesting scheme at issue here.

Victoria Tower is likewise inapplicable here. Like this case, *Victoria Tower* involved a Seattle MUP application. Appellants argued, and the Court of Appeals agreed, the City's application of newly adopted environmental policies to its MUP application violated *Victoria Tower's* vested rights. *Victoria Tower*, 49 Wn. App. at 763. However, the analysis in *Victoria Tower* is inapposite here because the vesting ordinance at issue in this case, SMC 23.76.026, was not adopted until 1985, approximately 5 years after the *Victoria Tower* appellant's application was filed.

[3] We agree with Erickson that our prior cases apply the vested rights doctrine in other contexts beside building per-

mits. However, none of these cases prevent a municipality from developing a vesting scheme like the one in place in Seattle. Our vested rights doctrine is not a blanket rule requiring cities and towns to process all permit applications according to the rules in place at the outset of the permit review. Instead, the doctrine places limits on municipal discretion and permits landowners or developers "to plan their conduct with reasonable certainty of the legal consequences". *West Main Assocs.*, 106 Wn.2d at 51. Within the parameters of the doctrine established by statutory and case law, municipalities are free to develop vesting schemes best suited to the needs of a particular locality.

Erickson lastly argues the practicalities of modern property development require us to extend the vested rights doctrine to Seattle's MUP process to maintain the balance of private and public interests embodied in the doctrine. Both parties agree land development in Washington has become an increasingly complex, discretionary, and expensive process. Additionally, both parties agree the MUP review process is now a critical stage in Seattle property development. Land use, zoning, and environmental regulations all must be satisfied before a MUP will be issued. The parties disagree, however, on what impact these requirements should have on the vesting doctrine. Erickson asserts the increasingly onerous nature of land use review makes the use review (such as Seattle's MUP process), rather than building permit review, the critical stage in land use regulation and requires the application of the vested rights doctrine to MUP's. The City contends its ordinance responds to the increased burden on developers by creating a process where the developer can control and defer the costs associated with permitting.

Development interests and due process rights protected by the vested rights doctrine come at a cost to the public interest. The practical effect of recognizing a vested right is to sanction the creation of a new nonconforming use. A proposed development which does not conform to newly adopted laws is, by definition, inimical to the public interest

embodied in those laws. If a vested right is too easily granted, the public interest is subverted.

This court recognized the tension between public and private interests when it adopted Washington's vested rights doctrine. The court balanced the private property and due process rights against the public interest by selecting a vesting point which prevents "permit speculation", and which demonstrates substantial commitment by the developer, such that the good faith of the applicant is generally assured. The application for a building permit demonstrates the requisite level of commitment. In *Hull v. Hunt*, *supra*, this court explained, "the cost of preparing plans and meeting the requirements of most building departments is such that there will generally be a good faith expectation of acquiring title or possession for the purposes of building . . .". *Hull*, 53 Wn.2d at 130.

Erickson argues the cost of preparing and submitting a MUP likewise poses a significant burden on developers. The MUP process is sufficiently expensive, contends Erickson, so as to prevent permit speculation and to give the developer a stake in the process that should be protected.

We reject Erickson's argument for several reasons. First, Erickson's cost-based arguments fail because substantial dollar figures alone do not demonstrate a significant burden on developers. The cost of obtaining a MUP varies greatly depending on the complexity of the proposal. It is the relative cost of the application compared to the total project cost that should be considered in evaluating the deterrent effect of the MUP application's cost to speculation in development permits. Second, we reject a cost-based analysis that reintroduces the case-by-case review of a developer's reliance interest we rejected 40 years ago when we adopted the vested rights doctrine.

Third, unlike building permit applications, MUP applications may be submitted at the infancy of a proposed development project. Much of the cost associated with MUP applications may be incurred *after* the application is filed. If, as Erickson urges, vested rights apply to MUP applications,

developers can vest valuable development rights prior to any substantial commitment to a project. Thus, the necessary indicia of good faith and substantial commitment are lacking at the outset of the master use permitting process.

Finally, Erickson points to no cases from this state or any other jurisdiction that support expanding the vesting doctrine beyond its current limits. Erickson concedes our State's doctrine is already one of the most protective of developer's rights.

The City's vesting ordinance strikes a proper balance between developers' rights and public interest. As a project progresses through MUP review, its plans mature and grow increasingly concrete. At the same time the developer's interest matures. The City's vesting ordinance permits a developer to vest development rights, when, in the best judgment of the developer, it makes economic sense to do so. The developer, working with the City, is in the best position to make this determination, and, like the Court of Appeals, "[w]e see no good policy reasons to prevent local governments from providing this alternative to developers". *Erickson*, 69 Wn. App. at 569.

Erickson urges us to "modernize" the doctrine in light of the substantial increase in land use regulations adopted by the Legislature in recent years. We agree with Erickson that Washington has undergone a sea change with respect to land use regulation. However, from this observation we reach a different conclusion.

Underlying the dispute in this case is a newly enacted critical areas ordinance, adopted by the City of Seattle under the requirements of the Growth Management Act. RCW 36.70A. The Legislature's passage of both the Growth Management Act (Act) and the State Environmental Policy Act of 1971 (SEPA) reflects public recognition that the influences of population growth, industrialization, and urbanization require us to place greater emphasis on natural resource protection and urban planning. The Growth Management Act begins with the following legislative findings:

The legislature finds that uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and the wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by residents of this state. It is in the public interest that citizens, communities, local governments, and the private sector cooperate and coordinate with one another in comprehensive land use planning. Further, the legislature finds that it is in the public interest that economic development programs be shared with communities experiencing insufficient economic growth.

RCW 36.70A.010. SEPA begins with similar findings. See RCW 43.21C.020.

The legislative findings in both SEPA and the Growth Management Act demonstrate the Legislature's understanding that greater regulation of property use is necessary to accomplish the goals set forth in both acts. Additionally, these findings reflect a legislative awareness that land is scarce, land use decisions are largely permanent, and, particularly in urban areas, land use decisions affect not only the individual property owner or developer, but entire communities.

The Growth Management Act imposed substantial new requirements on local governments. Under the Act, most counties and municipalities must establish comprehensive development plans, identify natural resources and critical areas, as well as develop a variety of regulations consistent with the Act and the local development plans. See RCW 36.70A.060.170. The Act further mandates that localities act quickly, placing strict compliance deadlines for each requirement. Here, the Growth Management Act required Seattle to have a critical areas ordinance in place by September 1, 1991. RCW 36.70A.060. Given the substantial legislative activity in land use law, we are unwilling to modify or expand the vested rights doctrine unless it is required to protect the constitutional interests at stake.

IV

In sum, the MUP review procedures developed by the City promote review process efficiency and effective interac-

tion between the permit applicant and the City and it maximizes developer flexibility and business judgment. Our vested rights doctrine does not require the City to process MUP applications under the regulations in place at the infancy of the review process. Nor are we persuaded that changes in land use law warrant an expansion of the doctrine. We hold SMC 23.76.026 is constitutional and satisfies the requirements of case and statutory law.

Accordingly, the decision of the Court of Appeals is affirmed.

ANDERSEN, C.J., and UTTER, BRACHTENBACH, DOLLIVER, DURHAM, SMITH, GUY, and MADSEN, JJ., concur.

[No. 60715-0. En Banc. May 19, 1994.]

THE STATE OF WASHINGTON, *Respondent*, v.
CHRISTOPHER NOEL THOMSON, *Petitioner*.

- [1] **Criminal Law — Trial — Presence of Defendant — Right To Be Present — Waiver — Test.** The constitutional right to be present at trial may be waived if the waiver is voluntary and knowing.
- [2] **Criminal Law — Trial — Presence of Defendant — Right To Be Present — Waiver — Voluntariness — Determination.** A criminal trial may continue in the defendant's absence under CrR 3.4(b) if the defendant's absence is voluntary. A voluntary absence operates as an implied waiver of the defendant's right to be present for the trial. Whether the defendant's absence is voluntary is determined by the totality of the circumstances.
- [3] **Criminal Law — Trial — Presence of Defendant — Absence — Continuing With Trial — Review — Standard of Review.** A trial court's decision under CrR 3.4(b) to continue a criminal trial in the defendant's absence is reviewed under the abuse of discretion standard.

20.40.500 Vesting and expiration of vested status of land use permits and approvals.

A. Vesting for Permits and Approvals.

1. Permits and Approvals Other than Subdivisions and Short Subdivisions and Conditional Uses. Applications for all land use permits and approvals except subdivisions and short subdivisions and conditional uses shall be considered under the Land Use Code and other land use control ordinances in effect on the date that a fully complete Building Permit application, meeting the requirements of BCC 23.05.090, E and F, is filed. If a complete Building Permit application is not filed, the land use permit or approval shall become vested to the provisions of the Land Use Code upon the date of the City's final decision on the land use permit or approval.
2. Subdivisions and Short Subdivisions and Conditional Uses. An application for approval of a subdivision or short subdivision of land, as defined in LUC 20.50.046, or for a conditional use, as defined in LUC 20.50.014, shall be considered under the Land Use Code and other land use control ordinances in effect when a fully completed application is submitted for such approval which satisfies the submittal requirements of the Director specified pursuant to LUC 20.35.030.

B. Expiration of Vested Status of Land Use Permit or Approval.

1. The vested status of a land use permit or approval shall expire as provided in subsection B.2 of this section; provided, that:
 - a. Variances shall run with the land in perpetuity if recorded with King County Department of Records and Elections within 60 days following the City's final action; and
 - b. Critical Areas Land Use Permits shall expire as set forth in LUC 20.30P.150; and
 - c. Lots in a subdivision or short subdivision shall be vested against changes in the Land Use Code, except for changes that address a serious threat to the public health or safety as found by the City Council when such change is adopted, for a period of five years following the date of recording of the final plat or final short plat; and
 - d. The time period established pursuant to subsection B.2 of this section shall not include the time during which an activity was not actively pursued due to the pendency of litigation which may materially affect rights of the applicant for the permit or approval related to that permit or approval.
2. The vested status of a land use permit or approval shall expire two years from the date of the City's final decision, unless:
 - a. A complete Building Permit application is filed before the end of the two-year term. In such cases, the vested status of the land use permit or approval shall be automatically extended for the time period during which the Building Permit application is pending prior to issuance; provided, that if the Building Permit application expires or is canceled pursuant to BCC 23.05.100, the vested status of a land use permit or approval shall also expire or be

canceled. If a Building Permit is issued and subsequently renewed, the vested status of the land use permit or approval shall be automatically extended for the period of the renewal;

b. For projects which do not require a Building Permit, the use allowed by the permit or approval has been established prior to the expiration of the vested status of the land use permit or approval and is not terminated by abandonment or otherwise;

c. The vested status of a land use permit or approval is extended pursuant to subsection B.3 of this section; or

d. The vested status of a land use permit or approval is extended pursuant to:

i. LUC 20.25A.125 (Vesting and expiration of vested status of land use permits and approvals – Downtown projects);

ii. LUC 20.30V.190 (Extended vesting period for Master Development Plans and associated Design Review approval); or

iii. A development agreement authorized by the terms of this Land Use Code to extend vested status.

3. When a Building Permit is issued, the vested status of a land use permit or approval shall be automatically extended for the life of the Building Permit. If the Building Permit expires, or is revoked or canceled pursuant to BCC 23.05.100 or otherwise, then the vested status of a land use permit or approval shall also expire, or be revoked or canceled. (Ord. 6197, 11-17-14, §§ 31, 32; Ord. 6102, 2-27-13, § 10; Ord. 5683, 6-26-06, § 33; Ord. 4973, 3-3-97, § 874; Ord. 4816, 12-4-95, § 974)

20.40.510 Cancellation of land use applications.

Applications for land use permits and approvals may be canceled for inactivity if an applicant fails to respond to the Department's written request for revisions, corrections, or additional information within 60 days of the request. The Director may extend the response period beyond 60 days if within that time period the applicant provides and subsequently adheres to an approved schedule with specific target dates for submitting the full revisions, corrections, or other information needed by the Department. (Ord. 4973, 3-3-97, § 875; Ord. 4816, 12-4-95, § 975)

The Renton Municipal Code is current through Ordinance 5742, passed December 8, 2014.

Ordinance 5724, containing interim zoning regulations, passed September 22, 2014, is in effect but not codified.

Disclaimer: The City Clerk's Office has the official version of the Renton Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited

which may be considered during a preapplication meeting.

B. SUBMITTAL OF FORMAL APPLICATION:

Applications, except appeals of administrative or environmental determinations shall be filed with the Development Services Division.

C. LETTER OF COMPLETENESS:

1. Timing: Within twenty eight (28) days after receipt of an application, the Department of Community and Economic Development shall provide a written determination that the application is deemed complete or incomplete according to the submittal requirements as listed in RMC 4-8-120A, B or C, and any site-specific information identified after a site visit. In the absence of a written determination, the application shall be deemed complete.

2. Applications Which are Not Complete:

a. Notice of Incomplete Application: If an application is determined incomplete, the necessary materials for completion shall be specified in writing to the contact person and property owner.

b. Notice of Complete Application or Request for Additional Information: Within fourteen (14) days of submittal of the information specified as necessary to complete an application, the applicant will be notified whether the application is complete or what additional information is necessary. The maximum time for resubmittal shall be within ninety (90) days of written notice.

c. Time Extensions: In such circumstances where a project is complex or conditions exist that require additional time, the Community and Economic Development Administrator may allow the applicant, contact person and/or property owner additional time to provide the requested materials. When granted, extension approvals shall be provided in writing. (Ord. 5676, 12-3-2012)

3. Additional Information May Be Requested: A written determination of completeness does not preclude the Department of Community and Economic Development from requesting supplemental information or studies, if new information is required to complete review of an application or if significant changes in the permit application are proposed. The Department of Community and Economic Development may set deadlines for the submittal or supplemental information.

4. Expiration of Complete Land Use Applications: Any land use application type described in RMC 4-8-080 that has been inactive and an administrative decision has not been made or has not been reviewed by the Hearing Examiner in a public hearing shall become null and void six (6) months after a certified notice is mailed to the applicant, contact person and property owner, unless other time limits are prescribed elsewhere in the Renton Municipal Code or other codes adopted by reference.

5. Extension of Complete Application: A one-time, one-year extension may be granted if a written extension request is submitted prior to the expiration date identified in the certified notice and the applicant, contact person or property owner(s) has demonstrated due diligence and reasonable reliance towards project completion. In consideration of due diligence and reasonable reliance the Community and Economic Development Administrator shall consider the following:

- a. Date of initial application;
- b. Time period the applicant had to submit required studies;
- c. Availability of necessary information;
- d. Potential to provide necessary information within one (1) year;
- e. Applicant's rationale or purpose for delay; and
- f. Applicant's ability to show reliance together with an expectation that the application would not expire. (Ord. 4587, 3-18-1996; Ord. 4660, 3-17-1997; Ord. 5605, 6-6-2011; Ord. 5676, 12-3-2012)

D. NOTICES TO APPLICANT:

The applicant shall be advised of the date of acceptance of the application and of the environmental determination. The applicant shall be advised of the date of any public hearing at least ten (10) days prior to the public hearing. (Ord. 3454, 7-28-1980)

E. REPORT BY DEVELOPMENT SERVICES:

1. Report Content: When such application has been set for public hearing, if required, the Development Services Division shall coordinate and assemble the comments and recommendations of other City departments and government agencies having an interest in the subject application and shall prepare a report summarizing the factors involved and the Development Services Division findings and supportive recommendations.

[Notice that there are not any changes proposed to Subsection 130, it is only provided as context for the proposed code addition, which is provided as Subsection 140 and underlined.]

18.55.130 - Letter of completeness Type II, Type III or SMP.

- A. Upon submission of a Type II, Type III, or SMP application, the director should date stamp the application form, and verify that the appropriate application fee has been submitted. The director will then review the application and evaluate whether the application is complete. Within twenty-eight days of receipt of the application, the director shall complete this initial review and issue a letter to the applicant indicating whether or not the application is complete. If not complete, the director shall advise the applicant what information must be submitted to make the application complete.
- B. If the director does not issue a letter of completeness or incompleteness within twenty-eight days, the application will be presumed complete on the twenty-eighth day after submittal.
- C. Upon receipt of a letter indicating the application is incomplete, the applicant has one hundred eighty days from the original application submittal date within which to submit the missing information or the application shall be rejected and all materials returned to the applicant. If the applicant submits the requested information within the one hundred eighty day period, the director shall again verify whether the application, as augmented, is complete. Each such review and verification should generally be completed within fourteen days.
- D. Once the director determines the application is complete, or the applicant refuses in writing to submit any additional information, the city shall declare the application complete and generally take final action on the application within one hundred twenty days of the date of the completeness letter. The timeframe for a final decision may vary due to requests by the city to correct plans, perform required studies, provide additional required information, extensions of time agreed to by the applicant and the city, or delays related to simultaneous processing of shoreline or SEPA reviews.
- E. The approval criteria and standards which control the city's review and decision on a complete application are those which were in effect on the date the application was first submitted, or as prescribed by a development agreement.

18.55.140 – Expiration of Complete Land Use Applications

- A. Any land use application type described in CMC§18.55.130(D) that has been inactive and a decision has not been made shall become null and void 120 days after a certified notice is mailed to the applicant and property owner.
- B. A one-time, one year extension may be granted if a written extension request is submitted prior to the expiration date identified in the certified notice and the applicant or property owner(s) has demonstrated due diligence and reasonable reliance towards project completion. In consideration of due diligence the Director may consider the following:
 - 1. Date of initial application;
 - 2. Time period the applicant had to submit required studies;
 - 3. That there have been no major modifications to the application or to the site conditions;
 - 4. That there has not been significant changes in applicable regulations;
 - 5. Potential to provide necessary information within one (1) year; and
 - 6. Applicant's rationale or purpose for delay.



Staff Report
Final Plat for Hills at Round Lake, Phase 4

File No. 14-07

(Related Files: SUB05-16, SUB11-01, BLA13-03, BLA13-04, BLA13-05, BLA13-06, MinMod12-08, FP13-03)

March 9, 2015

TO: Mayor Higgins
City Council

FROM: Wes Heigh, Project Manager
Sarah Fox, Senior Planner

LOCATION: The development is located west of the intersection of NE Woodburn Drive and S.E Crown Road. The project can also be described as Tax assessor #123228-000, and NW ¼ of Section 1, Township 1 North, Range 3 East, Willamette Meridian, City of Camas, Clark County, Washington.

OWNER: Hills at Round Lake, LLC
P.O. Box 87970
Vancouver, WA 98687

APPLICABLE LAW: The application was submitted on October 16, 2014, and the applicable codes are those codes that were in effect at the date of application. Camas Municipal Code Chapters (CMC): Title 18 Zoning (not exclusively): CMC Chapter 17.21 Procedures for Public Improvements; and CMC Chapter 18.55 Administration and Procedures; and RCW Chapter 58.17.

BACKGROUND INFORMATION

Lots: 30 Single-family lots

Total Area: 13.88 acres

Critical Areas: 4.22 acres

Recreational open space: 0.09 acres

The Hills at Round Lake is a 333 lot planned residential development, which received master plan approval on October 4, 2010. The master plan included 13 phases; whereas the preliminary plan had seven. The request is for final plat approval for Phase 4, which was originally named "Pod A2" on the Master Plan.

This staff report addresses the requirements for final plat approval of Phase 4. Staff found that the applicant met the requirements in accordance with CMC§17.21.060. Take note of lot numbers and street names within the conditions of the preliminary approval of SUB05-16, which differ from the Phase 4 final plat. Where these occurred, staff made note of the changes.

Conditions of Approval (SUB05-16)	Findings
1. Stormwater treatment including nutrient control and detention facilities shall be designed in accordance with the 1992 Puget Sound Stormwater Manual design guidelines. Final stormwater calculations shall be submitted at the time of final construction plan submittal.	Final calculations are on file.

2. 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.	In compliance for Phase 4
3. 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.	In compliance for Phase 4
4. 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. The City will supply the list of required signs, markings and barriers at the time paving is scheduled.	Signs, lights, and striping are installed
5. 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.	\$28,248 was paid for Phase 4
6. 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.	A monument sign was not submitted for this phase. Locations for monument signs were approved on the preliminary landscape plans with file #SUB05-16.
7. A homeowner's association (HOA) will be required for this development. The applicant will be required to furnish a copy of the C.C. & R.'s for the development to the City for review. Specifically, the applicant will need to make provisions in the C.C. & R.'s for maintenance of the stormwater detention and treatment facilities, any storm drainage system, fencing, landscaping, retaining walls, Tracts or easements outside the City's right of way (if applicable).	In compliance for Phase 4
8. Building permits shall not be issued until this subdivision is deemed substantially complete and the final plat is recorded and approved by the Planning, Engineering, Building and Fire Departments.	Will comply
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.	Will comply
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.	In compliance for Phase 4
PLANNING	
11. A final master plan shall be approved prior to final plat approval of any phase. The final master plan shall include lot design and layout of all proposed "Pods" and all other conditions as required for approval pursuant to Chapter 18.23 and Chapter 17.13 CMC.	Approved on October 4, 2010

12. The sequencing of the proposed phases is not approved with this preliminary master plan. The sequence of the phasing plan shall be approved with the final master plan with the exception of the school site, which is approved as part of phase one.	Approved with 13 phases on October 4, 2010
13. Sales Offices: The applicant is permitted to operate one sales office in a model home and/or trailer <u>per phase</u> . [Emphases added for this report.]	There were seven phases with the preliminary approval and now there are 13 phases.
a. There are <u>seven</u> proposed locations that <u>shall be allowed</u> placement of a sales office and/or model home. [Emphases added for this report.]	This condition is inconsistent with the previous condition.
<p>b. Occupancy of a unit as sales office shall expire 18 months from the date of building permit issuance for said sales office, unless prior to this date the applicant provides a written request to the Community Development Director for an extension. The Community Development director may grant a one-time reasonable extension not to exceed one year upon a showing that more than 10 lots remain unsold in the phase in which the sales office is located. A written request for an extension shall be submitted prior to the expiration date. In no case will additional extensions be granted.</p> <p>c. The hours of operation of a sales office(s) or model home(s) shall be limited to 12-6pm March 21 through September 20th and 11-5pm from September 21st to March 20th, 7 days a week and the maximum number of employees at the site shall be limited to two. This condition will allow for after hour appointments.</p> <p>d. All sales trailers are subject to obtaining building permits prior to occupancy. In particular permits shall be required for foundations, plumbing and sewer.</p> <p>e. The sales offices shall be ADA accessible. If a trailer, then an ADA ramp shall be approved with the building permit process.</p> <p>f. House numbers shall be posted on the buildings and be clearly visible from the street.</p> <p>g. If sales office is located within a model home, the structure shall be fully sprinklered. If sales office is in a trailer, then fire extinguishers and appropriate signage shall be posted.</p> <p>h. Landscaping shall be provided at the perimeter of the sales office site and shall be maintained for the duration of the operation of the office, to include replacement plantings.</p> <p>i. Off street parking shall be provided on an all-weather surface for each employee plus one space per 400 square feet of building. A designated van accessible parking space will be provided for each sales office, with required signing and striping, and approved paving surface.</p> <p>j. Each sales office is permitted one permanent sign, which shall be limited to six square feet in area and may not exceed six feet in height. Signs may not have clusters of flags, ribbons, streamers, flashing or blinking lights, twirlers or balloons.</p> <p>k. The applicant shall remove all physical evidence of the sales office within 60 days of the expiration of each sales office as noted above. The Community Development Director may grant one (1) extension of 30 days for removal upon the applicant filing a written request for such extension prior to the end of the initial 60 day period.</p>	Will comply if sales office is requested.
14. Lots adjacent to the Type II Stream shall maintain the 50-foot buffer as established in the Development Agreement (#4017467).	In compliance for Phase 4

15. The applicant shall revise lots adjacent to the Class III wetlands to maintain a 50-foot buffer and as established in the Development Agreement (#4017467).	In compliance for Phase 4
16. Multi-family housing and single-family attached housing (Pod C) shall be subject to Design Review approval prior to issuance of building permits.	Not applicable to this Phase
17. The applicant shall be required to provide final landscape plans acceptable to the City prior to final engineering approval of each phase. An acceptable plan for tot lots to include a play structure and picnic tables, or approved equivalent. The tot lots and recreational open space trails shall be installed prior to final plat approval of each phase.	The recreational trail has been installed. There are no tot lots in this Phase.
18. Prior to final plat approval of each phase, a wall of acceptable height and materials (6-foot block or concrete) or other combinations of landscaping, walls and/or fencing acceptable to the City, will be installed along the Trillium Drive and NE 35th Avenue to provide privacy and security to the residence, and uniformity in design as proposed by this application. Final landscaping and wall/fence plans shall be included with engineering plans of each phase.	In compliance for Phase 4. Note: Trillium Drive (preliminary) was also named Olympic Drive (master plan) is currently named Woodburn Drive.
19. The applicant shall revise lots 19-22 of "A4", lots 1-7 of "A2", and lots 28-30 of "A2" to provide a minimum landscaped buffer of 10-feet to include fencing or wall in uniformity with the master plan.	Phase 4 was formerly "Pod A2". Fencing and landscaping is in compliance
ENGINEERING	
20. The applicant shall revise the lot lines to be at right angles or radial to curved streets in accordance with CMC 17.19.030 (D2). The following lots be revised to comply with this requirement prior to final engineering plan approval and final plat approval: "A1" lots 1-5; "A3" lots 2, 3, 6, 7, 11, 12, 28, 29 and 31-33; "A4" lots 5, 30-32, 38-42 and 47; "B1" lots 4-6; "B2" lots 17, 18, 21-23, 28, 29 and 90-93.	Does not apply to this phase
21. Prior to final engineering plan approval for any phase the applicant shall submit an acceptable landscaping plan for the stormwater facilities located adjacent of NE Trillium Drive showing the proposed fencing, enhanced landscaping, view terrace, shade structure and bench materials and locations.	Installed as approved.
22. Prior to final engineering plan approval the applicant shall demonstrate that adequate site distance will be provided at any substandard curve radius on NE Trillium Drive and NE 35th Avenue, and that adequate advisory speed limit signage will be installed.	Does not apply to this phase
23. The applicant shall provide street extensions acceptable to the City to Tax Lot 31, 32, Tax Lot 33 and Tax Lot 4/1 in accordance with CMC 17.19.040 (B) (6a).	Does not apply to this phase
24. The applicant shall provide a minimum of 29 additional off street parking spaces with Alternate B (no school site) and a minimum of 24 on-street parking spaces with Alternate A (school site) in locations acceptable to the City prior to final engineering plan approval for the first phase and prior to final master plan approval.	Does not apply to this phase

25. The applicant shall install the off-site water improvements as described in the Gray and Osborne memorandum of September 2005. The off-site water improvements in SE Crown Road from NE 3rd Ave. north to the development site shall be upsized for this development and for future area capacity as determined in said memorandum. These improvements shall be connected at Nourse road and completed prior to substantial completion of any phase of this development. Reimbursement in part for these off-site improvements is contingent upon the applicant entering into an agreement or agreements with the City per the development agreement between the City and the applicant as recorded under auditor's file 4017467, Clark County records.	Off-site water improvements are complete. This criterion is satisfied for all phases.
26. The applicant shall provide a left turn lane on SE 283rd Avenue with a minimum storage length of 100 feet for north bound traffic turning west bound into the project site on NE 35th Avenue. The applicant has proposed a temporary access point (refer to Exhibits 26 and 28) from the development to SE 283rd that is aligned 220 feet south of SE 23rd Street. Full ingress and egress to SE 283rd will be allowed provided the applicant meets adequate sight distance. The applicant shall dedicate the necessary right of way for the future permanent roadway alignment as identified in the plans. The applicant shall dedicate to the City an easement over the proposed realigned roadway to SE 283rd until the permanent alignment is installed and approved by the City.	Roadway constructed during prior phases
27. The applicant shall complete the installation of the off-site sewer improvements down SE Crown Road to connection with the existing City sewer system prior to issuance of building permits for any phase.	Constructed during prior phases
28. No construction spoils shall be placed on building lots. Any fill material placed on lots must be engineered structural fill, unless placed in the front or rear setback to a maximum of 6 inches in total depth.	In compliance for Phase 4
29. The development shall comply with Camas Municipal Code (CMC) 15.32 for any land disturbing activity. The applicant shall submit an erosion prevention/sediment control plan in accordance with CMC 15.32 for any land disturbing activity that disturbs an acre or more or adds 5000 square feet or more of impervious surface. In accordance with CMC 17.21.030 the applicant shall be required to furnish to the City an approved form of security (e.g. Erosion Control Bond). The bond is to be in the amount of 200% of the engineer's estimated cost of the erosion prevention/sediment control measures, including associated labor. The City reserves the right to tap the bond to recover costs associated with enforcing, removing or rectifying any unauthorized dumping, filling or grading.	In compliance for Phase 4

<p>30. SEPA mitigation measures</p> <p>i. An Erosion Control Plan consistent with City requirements to include compliance with the Stormwater Management Manual for Western Washington, February 2005 shall be prepared and submitted for review and approval, and implemented prior to any earth disturbing activities. Additional erosion control measures shall be implemented consistent with best available practices as necessary to control erosion.</p>	In compliance for Phase 4
<p>ii. Grading and all other earthwork to occur during dry summer months, unless the wet weather construction methods are adopted in accordance with the geotechnical report by Columbia West Engineering, Inc (June 25, 2003 and specified on pages 12-13). This condition adopts the June 25, 2003 report by reference for this condition. The geotechnical engineer of record, Columbia West Engineering, shall provide construction observation during any wet weather grading on slopes steeper than 15%.</p>	In compliance for Phase 4
<p>iii. Prior to final plat approval of each phase, the engineer of record shall submit a geotechnical report acceptable to the City Engineer.</p>	In compliance for Phase 4
<p>iv. Fugitive emissions associated with construction shall be controlled at the excavation site, during transportation of excavated material, and at any disposal site.</p>	In compliance for Phase 4
<p>v. Surface water treatment and conveyance systems shall be designed in accordance with the 1992 Puget Sound Stormwater Manual (as revised). Stormwater runoff shall be treated for quality and controlled in quantity prior to discharge. Storm water treatment and control facilities shall be designed in accordance with the 1992 Puget Sound Storm Water Manual design guidelines (as revised). Final storm water calculations shall be submitted at the time of final construction plan submittal.</p>	In compliance for Phase 4
<p>vi. The Revised Wetland Mitigation Plan, prepared by the Resource Company (dated September 14, 2006) shall be implemented prior to final plat approval of Phase One with the following modifications:</p>	Initial installation occurred in 2007.
<ul style="list-style-type: none"> • The applicant shall be required to install temporary fencing around the sensitive areas prior to earthwork; • Permanent signage shall be installed that reads “Wetland buffer – Please leave in a natural state.” Signs shall be posted every 100 feet or at least one per lot, whichever is less; and • Permanent and continuous fencing shall be installed along the rear and sides of lots adjoining sensitive areas. • The mitigation plan shall require financial surety of 105% of the total cost of the initial installation, in a form acceptable to the City, to ensure success of the mitigation plan. The monitoring and financial surety program will run a period of 10 years. • The applicant shall secure all required local, state, or federal permits prior to construction of improvements. 	Fencing and signs are installed. Financial surety in the amount of \$82,444 is in place.

vii. The following measures shall be in place to reasonably protect the significant trees as defined in CMC 18.31.040, both within the open space tracts and individual lots.... <i>(Staff note: omitted from this report for brevity and given that this condition is not applicable to these phases.)</i>	One significant tree was retained and the location is noted on the plat.
<ul style="list-style-type: none"> • The construction of trails and the installation of services shall occur outside of the drip line of the protected significant trees. 	No trails were constructed adjacent to tree.
<ul style="list-style-type: none"> • Only invasive species as identified by the biologist of record may be removed within open spaces and in accordance with the then applicable codes. 	Ongoing compliance required
viii. To help minimize noise impacts to the adjacent residential neighborhoods, equipment shall be properly muffled and construction regarding site improvements shall be confined from 7:00 a.m. to 7:00 p.m., Monday through Friday, 8:00 a.m. to 5:00 p.m., Saturday, excluding City observed holidays and Sundays. Furthermore, maintenance and fueling of construction equipment shall be confined from said times and days	In compliance for Phase 4
31. At the time of the final plat of the second phase, a minimum density of six units per net acre shall be provided. The net acreage will be defined as the gross site area less roads (public and private), open space and sensitive lands. The density shall be determined on a cumulative basis including the previously recorded phase(s). A minimum density of six units per net acre shall be required on an overall project basis for any remaining phases at the time of the platting of the phase.	Compliance met at master plan approval.
32. The following notes shall be added to the final plat of all phases... <i>(*Staff Note: The required notes are omitted from this report for brevity, however they are provided on the plat as described with this criterion.)</i>	In compliance for Phase 4

Final Plat Criteria for Approval (CMC 17.21.060-C)

1. That the proposed final plat bears the required certificates and statements of approval;
2. That the title insurance report furnished by the developer/owner confirms the title of the land, and the proposed subdivision is vested in the name of the owner(s) whose signature(s) appears on the plat certificate;
3. That the facilities and improvements required to be provided by the developer/owner have been completed or, alternatively, that the developer/owner has submitted with the proposed final plat an improvement bond or other security in conformance with CMC 17.21.040;
4. That the plat is certified as accurate by the land surveyor responsible for the plat;
5. That the plat is in substantial conformance with the approved preliminary plat; and
6. That the plat meets the requirements of Chapter 58.17 RCW and other applicable state and local laws which were in effect at the time of preliminary plat approval.

Findings: The submitted plat meets the requirements of CMC 17.21.060-C, is consistent with the applicable conditions of approval, and with the applicable state and local regulations.

Recommendation

Staff recommends that Council **APPROVE** the final plat of the Hills at Round Lake, Phase 4 (file #FP14-07) as submitted.

THE HILLS AT ROUND LAKE

PHASE 4

CITY OF CAMAS MAYOR

APPROVED BY _____ MAYOR

CITY FINANCE DIRECTOR

THERE ARE NO DELINQUENT SPECIAL ASSESSMENTS, AND ALL SPECIAL ASSESSMENTS ON ANY OF THE PROPERTY THAT IS DEDICATED AS STREETS, ALLEYS OR FOR OTHER PUBLIC USE ARE PAID IN FULL AT THE DATE OF CERTIFICATION.

FINANCE DIRECTOR DATE

PUBLIC WORKS DEPARTMENT

ALL IMPROVEMENTS HAVE BEEN INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THIS TITLE AND WITH THE PRELIMINARY PLAT APPROVAL;

ALL IMPROVEMENTS MEET CURRENT PUBLIC WORKS DRAWING STANDARDS FOR ROAD, UTILITY AND DRAINAGE CONSTRUCTION PLANS;

ORIGINAL AND REPRODUCIBLE MYLAR OR ELECTRONIC RECORDS IN A FORMAT APPROVED BY THE PUBLIC WORKS DIRECTOR OR DESIGNEE AND CERTIFIED BY THE DESIGNING ENGINEER AS BEING "AS CONSTRUCTED" HAVE BEEN SUBMITTED FOR CITY RECORDS.

APPROVED BY _____ CITY OF CAMAS ENGINEER DATE

COUNTY ASSESSOR

THIS PLAT MEETS THE REQUIREMENTS OF R.C.W. NO. 58.17.170, LAWS OF WASHINGTON, 1981, TO BE KNOWN AS
THE HILLS AT ROUND LAKE PHASE 4
SUBDIVISION PLAT NO. _____ IN THE COUNTY OF CLARK, STATE OF WASHINGTON

COUNTY ASSESSOR DATE

COUNTY AUDITOR

FILED FOR RECORD THIS _____ DAY OF _____, 2015

IN BOOK _____ OF PLATS AT PAGE _____ AT THE REQUEST OF

AUDITOR'S FILE NO.: _____

ATTESTED TO: _____ COUNTY AUDITOR

COMMUNITY DEVELOPMENT

APPROVED BY _____ COMMUNITY DEVELOPMENT DIRECTOR OR DESIGNEE DATE

FIRE DEPARTMENT

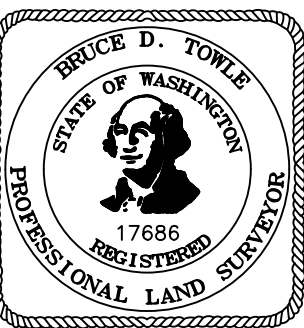
APPROVED BY _____ CITY OF CAMAS FIRE CHIEF OR DESIGNEE DATE

LAND SURVEYOR'S CERTIFICATION

ON THE BASIS OF MY KNOWLEDGE, INFORMATION AND BELIEF, I CERTIFY TO CITY OF CAMAS THAT AS A RESULT OF A SURVEY MADE ON THE GROUND TO THE NORMAL STANDARD OF CARE OF PROFESSIONAL LAND SURVEYORS PRACTICING IN CLARK COUNTY, I FIND THAT THIS PLAT, AS SHOWN, IS A TRUE RETURN FROM THE FIELD AND THAT THE DELINEATION IS CORRECT.

BRUCE D. TOWLE
PROFESSIONAL LAND SURVEYOR NO. 17686

DATE



CALCULATED POSITION OF THE INTERSECTION OF THE NORTH LINE OF THE G. HUNSACKER D.L.C. DURING SURVEY BK. 59, PG. 28.

CITY OF CAMAS

CLARK COUNTY

A SUBDIVISION IN THE NW 1/4 AND NE 1/4 OF THE NW 1/4 SEC. 1, T1N, R3E, W.M.,
CITY OF CAMAS, CLARK COUNTY, WASHINGTON
FEBRUARY 2015

CITY OF CAMAS FINAL ORDER #SUB05-16 (THE HILLS AT ROUND LAKE)

CITY OF CAMAS REQUIRED NOTES

- 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.
- NO FURTHER SHORT PLATTING OR SUBDIVIDING WILL BE PERMITTED ONCE THE FINAL PLAT HAS BEEN RECORDED.
- A FINAL OCCUPANCY PERMIT WILL NOT BE ISSUED BY THE BUILDING DEPARTMENT UNTIL ALL SUBDIVISION IMPROVEMENTS ARE COMPLETED AND ACCEPTED BY THE CITY.
- THE LOTS IN THIS SUBDIVISION ARE SUBJECT TO TRAFFIC IMPACT FEES, SCHOOL 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.
- AUTOMATIC FIRE SPRINKLER SYSTEMS DESIGNED AND INSTALLED IN ACCORDANCE WITH NFPA 13D SHALL BE REQUIRED FOR ALL NEW HOMES.
- 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.
- THE HOMEOWNERS ASSOCIATION SHALL MONITOR AND MAINTAIN THE NATURAL AND SENSITIVE OPEN SPACE AREAS THAT ARE WITHIN THIS DEVELOPMENT AND AT THE INTERFACE OF LOTS THAT ARE DIRECTLY ADJACENT TO LACAMAS PARK. THE HOMEOWNER CC&R'S SHALL PROVIDE ENFORCEMENT MECHANISMS FOR ILLEGAL DUMPING OF YARD DEBRIS OR OTHER WASTE INTO THESE AREAS AND BE RESPONSIBLE FOR RESULTING MITIGATION. THE HOMEOWNER ASSOCIATION SHALL ALSO OWN AND MAINTAIN TOT LOTS.
- NECESSARY SIGHT DISTANCE EASEMENTS AND VEGETATION MANAGEMENT AREAS AS NOTED ON THIS PLAT ARE REQUIRED TO ENSURE THAT ADEQUATE SIGHT DISTANCE WILL BE MAINTAINED BY THE HOA OR INDIVIDUAL LANDOWNER ON THESE CURVES.

BUILDING SETBACKS	SINGLE-FAMILY
MINIMUM LOT WIDTH	55'
MINIMUM LOT DEPTH	85'
MINIMUM LOT WIDTH ON A CURVE OR CUL-DE-SAC	30'
MAXIMUM BUILDING HEIGHT	35'
MAXIMUM BUILDING COVERAGE	45%
MINIMUM SETBACKS	
FRONT YARD (INCLUDES 6' PUBLIC UTILITY EASEMENT)	12'
GARAGE SETBACK FROM R.O.W.	18'
SIDE YARD	5'
REAR YARD	15'
CORNER LOTS	
ADDITIONAL SETBACKS MAY BE REQUIRED TO MEET SITE DISTANCE SAFETY STANDARDS	
CORNER LOT FRONT YARD	12'
CORNER LOT STREET SIDE YARD	10'
CORNER LOT REAR YARD	5'

LINE TABLE

LINE	BEARING	DISTANCE
L1	N 07°51'06" W	2.37'
L2	N 07°19'30" E	1.92'
L3	N 06°32'02" W	31.11'
L4	N 55°30'06" E	6.16'

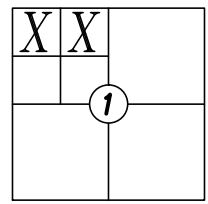
CURVE TABLE

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH
C1	66°52'21"	13.00'	15.17'
C2	44°45'41"	43.00'	33.59'
C3	51°31'56"	43.00'	38.67'
C4	40°32'51"	43.00'	30.43'
C5	45°49'56"	43.00'	34.39'
C6	50°17'02"	43.00'	37.74'
C7	13°55'14"	43.00'	10.45'
C8	09°38'52"	176.00'	29.64'
C9	07°48'00"	176.00'	23.96'
C10	17°26'52"	150.00'	45.68'
C11	17°26'52"	124.00'	37.76'
C12	90°00'00"	13.00'	20.42'
C13	90°00'00"	13.00'	20.42'
C14	06°21'19"	124.00'	13.75'
C15	06°21'19"	150.00'	16.64'
C16	06°21'19"	176.00'	19.52'
C17	45°51'32"	13.00'	10.41'
C18	45°51'32"	13.00'	10.41'
C19	41°41'59"	43.00'	31.30'
C20	26°33'15"	43.00'	20.18'
C21	40°32'09"	43.00'	30.42'
C22	40°49'57"	43.00'	30.64'
C23	40°49'57"	43.00'	30.64'
C24	40°49'57"	43.00'	30.64'
C25	40°49'57"	43.00'	30.09'
C26	61°33'15"	47.43'	50.96'
C27	83°25'55"	23.00'	33.67'
C28	19°59'10"	330.00'	115.11'
C29	19°53'29"	270.00'	93.74'
C30	90°00'00"	23.00'	36.13'
C31	76°18'54"	23.00'	31.44'
C32	15°21'08"	270.00'	72.35'
C33	33°49'55"	330.00'	194.86'
C34	09°22'37"	348.00'	56.95'
C35	13°06'06"	330.00'	75.46'
C36	06°14'53"	348.00'	37.95'
C37	03°40'02"	330.00'	21.12'
C38	12°40'43"	300.00'	66.39'
C39	02°40'25"	300.00'	14.00'
C40	19°53'29"	300.00'	104.15'
C41	27°43'04"	43.00'	203.92'
C42	17°26'52"	176.00'	53.60'
C43	24°52'21"	43.00'	185.28'

LAND INVENTORY

TOTAL ACREAGE: 13.88 AC.
TOTAL DEVELOPED ACREAGE: 6.57 AC.
TOTAL LOT AREA: 4.54 AC.
TOTAL INFRASTRUCTURE AREA (TRACT D): 2.03 AC.
TOTAL TRACT AREA (TRACTS A, B AND C): 7.31 AC.
TOTAL CRITICAL AREAS (INCLUDED IN TRACT A): 4.22 AC.
TOTAL RECREATIONAL OPEN SPACE (TRAILS/INCLUDED IN TRACT A): 0.09 AC.

FIND 1/2" I.R. W/PC HAGEDORN 9579' AT SW COR. TERRILL COFFEY D.L.C. (APRIL 2008). SEE (19/181) FOR CORNER INFORMATION.



0 50 100
SCALE 1" = 50'

BASIS OF BEARINGS

BEARINGS ARE ASSUMED, BASED ON THE WEST LINE OF THE NW QUARTER OF SECTION 1 BEING N01°29'10"E AS SHOWN IN R.O.S. BK. 59, PG. 28 AND IN HILLS AT ROUND LAKE - PHASES 1 & 2.

LEGEND

- SET 1/2" X 24" IRON ROD W/PLASTIC CAP (OLSON ENG PLS 17686) DURING THIS SURVEY
- ⊕ SET 1/2" X 24" IRON ROD AS SHOWN IN PREVIOUS OLSON ENGINEERING SURVEY FOR THE HILLS AT ROUND LAKE - PHASE 1
- ⊙ SET 1/2" X 24" IRON ROD W/PLASTIC CAP (OLSON ENG PLS 17686) TO BE SET AFTER RECORDING OF THIS PLAT
- + SET BRASS SCREW WITH WASHER (OLSON ENG PLS 17686) IN CURB ON A PROJECTION OF THE LOT LINE (GOOD FOR LOT ONLY - NOT DISTANCE)
- ⊕ SET BRASS SCREW WITH WASHER (OLSON ENG PLS 17686) IN CONCRETE PILLAR AT PROPERTY CORNER, UNLESS NOTED OTHERWISE
- SET 1/2" X 24" IRON ROD AS SHOWN IN PREVIOUS OLSON ENGINEERING SURVEY FOR R.O.S. BK. 59, PG. 28
- (R) RADIAL

--- SETBACK LINES

--- PLAT BOUNDARY LINE

--- PROPOSED LOT LINES

--- EASEMENT LINE

TRACT NOTES

TRACT "A" IS AN OPEN SPACE, LANDSCAPE, STORM WATER FACILITY, RECREATION AREA AND IS GRANTED TO THE HOMEOWNERS ASSOCIATION WITH THIS PLAT AND IS TO BE OWNED, SHARED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

TRACT "B" IS AN OPEN SPACE, LANDSCAPE, RECREATION AREA AND IS GRANTED TO THE HOMEOWNERS ASSOCIATION WITH THIS PLAT AND IS TO BE OWNED, SHARED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

TRACT "C" IS AN OPEN SPACE, LANDSCAPE, RECREATION AREA AND IS GRANTED TO THE HOMEOWNERS ASSOCIATION WITH THIS PLAT AND IS TO BE OWNED, SHARED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION. A SANITARY EASEMENT IS GRANTED TO THE CITY OF CAMAS WITH THIS PLAT OVER ALL OF THIS TRACT.

TRACT "D" (NE TILLCUM CIRCLE) IS A PRIVATE ROAD AND UTILITY EASEMENT AND IS GRANTED TO THE HOMEOWNERS ASSOCIATION WITH THIS PLAT AND IS TO BE OWNED, SHARED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION. A SANITARY SEWER, WATER AND STORM SEWER EASEMENT IS ALSO GRANTED TO THE CITY OF CAMAS WITH THIS PLAT.

FENCE NOTE

ON THE NORTH AND WEST LINES OF LOTS 91-99 THERE ARE CONCRETE PILLARS WITH A BOARD FENCE BETWEEN THEM.

UTILITY & SIDEWALK EASEMENTS

AN EASEMENT IS HEREBY RESERVED UNDER AND UPON THE EXTERIOR SIX (6) FEET AT THE FRONT BOUNDARY LINES OF ALL LOTS AND TRACTS ADJACENT TO PUBLIC AND PRIVATE STREETS FOR THE PURPOSE OF INSTALLING, CONSTRUCTING, RENEWING, OPERATING AND MAINTAINING OF ELECTRIC, TELEPHONE, TV, CABLE, WATER, SANITARY SEWER, AND OTHER UTILITIES AS NOTED. ALSO, A SIDEWALK EASEMENT IS RESERVED, AS NECESSARY TO COMPLY WITH ADA SLOPE REQUIREMENTS, UPON THE EXTERIOR SIX (6) FEET ALONG THE FRONT BOUNDARY LINES OF ALL LOTS AND TRACTS ADJACENT TO THE PUBLIC AND PRIVATE STREETS.

DEED REFERENCES

GRANTOR: LOYAL LANDS COMPANY, LLC
GRANTEE: THE HILLS AT ROUND LAKE, LLC
A#F: 4947795 D
DATE: 03/03/2011

GRANTOR: THE HILLS AT ROUND LAKE, LLC
GRANTEE: LENNAR NORTHWEST, INC.
A#F: 4987684 D
DATE: 06/28/2013

SURVEY REFERENCES

- RECORD OF SURVEY BY OLSON ENGR., INC. FOR LOYAL LAND COMPANY, LLC (BK. 59, PG. 28)
- RECORD OF SURVEY BY HAGEDORN, INC. FOR DON HOLSINGER AND BEN SHELTON (BK. 43, PG. 138)
- RECORD OF SURVEY BY OLSON ENGR., INC. FOR THE ED FARRELL ESTATE (BK. 10, PG. 19)
- PLAT OF LACAMAS SUMMIT BY OLSON ENGR., INC. (BK. 310, PAGE 715)

PROCEDURE

FIELD TRAVERSES WERE PERFORMED WITH A LEICA TC-1610 (1") AND ADJUSTED BY COMPASS RULE. THE FIELD TRAVERSES MET THE MINIMUM STANDARDS FOR SURVEYS AS DESIGNATED IN WAC 332-130-090.

Camas Municipal Code Amendments – Engineering Transition

Underlined Text = proposed additions to Code

~~Strikeout Text~~ = proposed deletions to Code

Title 2 – Administration and Personnel:

2.24.030 - Subordinate departments.

The department of public works shall consist of the following departments:

- A. Water-sewer department;
- B. Park maintenance department;
- C. Street/storm/facility department;
- D. Sanitary service department;
- E. Equipment rental department;
- F. Cemetery department.
- G. Engineering department, the manager of which shall be the city engineer or engineering manager

2.26.030 - Subordinate departments.

The community development department shall consist of the following subordinate departments:

- A. Planning department, including development review, code review, zoning, annexations, land division, and long and short range planning;
- B. Protective inspections including the building code and miscellaneous development codes;
- C. Environmental, including administration of the State Environmental Policy Act and the State Shorelines Act;
- D. Economic development including commercial and industrial development;
- E. ~~Engineering department, the manager of which shall be the city engineer or engineering manager.~~

2.88.050 - Meetings.

The parking advisory committee shall meet on the second Tuesday of each January, May and September for which business before the committee is pending. Special meetings may be called at the discretion of the community development director, public works director, city engineer or their designee, upon due notice to all members and upon compliance with the Open Public Meetings Act, RCW Chapter 42.30.

Title 10 – Vehicles and Traffic:

10.36.010 - Definitions.

For the purpose of this chapter, the following definitions shall apply in the interpretation and enforcement of this chapter:

* * *

“Director” means the ~~Community Development~~ Public Works Director or designee.

10.36.040 - Responsible City Agency.

The ~~community development~~ public works director, or his or her authorized designee, is directed and authorized to implement and enforce the provisions of this chapter and the City CTR Plan, and shall have the authority as is necessary to carry out administrative decisions in effectuating such ordinance, plan, and program.

Title 17 – Land Development:

17.21.070 - Final acceptance.

A. Upon final acceptance of the development improvements a two-year warranty bond commences.

B. The city shall accept all improvements within all land divisions, and applicable site plan developments, provided:

1. All improvements have been installed in accordance with the requirements of this title and with the preliminary plat approval. (RCW 58.17.130, reference the last sentence);
2. Approved plat and "as-constructed" engineering drawings have been submitted to the city in an electronic format approved by public works;

3. Copies of any dedicated tracts, easements, or lots as set forth in CMC Section 17.01.040 have been submitted to the city;
4. Upon approval of the engineering department that the improvements are complete, a warranty bond equal to ten percent of the cost of the improvement for a period not to exceed two years shall be submitted to the city to warranty all improvements in accordance with CMC Section 17.21.050(B)(2). ~~Upon conferring with the engineering department, the community development department-~~ The public works director or city engineer may grant an exception to this bonding requirement for certain outstanding items; and
5. Binding maintenance agreements have been recorded to provide for the maintenance of commonly owned private facilities.

C. A development may receive final acceptance, exclusive of wetlands where three-year, five-year and ten-year monitoring plans require replacement vegetation and maintenance as part of the SEPA or wetland mitigation. However, a wetland bond may be required in the amount of the monitoring and maintenance.

D. Within sixty days of expiration of the two-year period following acceptance of the improvements by the city, the engineering department shall reinspect the required improvements. If there are no faults, the warranty bond will lapse at the end of the warranty period and the city accepts the improvements.

E.

The ~~community development~~ public works department will issue a letter of final acceptance once all items listed in this chapter have been completed, submitted, reviewed, and approved by the city.

ORDINANCE NO. _____

AN ORDINANCE amending Section 3.40.030, of the Camas
Municipal Code.

THE COUNCIL OF THE CITY OF CAMAS DO ORDAIN AS FOLLOWS:

Section I

Camas Municipal Code, Section 3.40.030 – Equipment rental authorized–Rates–
Disposition of money, is hereby amended to provide as follows:

3.40.030 – Equipment rental authorized–Rates–Disposition of money.

Equipment owned by the equipment rental fund may be rented for the use of the various offices and departments of the city, other governmental agencies, or private parties at such rates as may be established pursuant to the City of Camas fee schedule, as may be amended. Rental rates shall be changed from time to time to adjust for actual cost of operation of the equipment rental fund. Money received from the rental of such equipment or from budget appropriations shall be placed in the equipment rental fund and shall be retained in the fund until the council shall otherwise direct.

Section II

This ordinance shall take force and be in effect five (5) days from and after its publication according to law.

PASSED BY the Council and APPROVED by the Mayor this _____ day of March, 2015.

SIGNED: _____
Mayor

SIGNED: _____
Clerk

APPROVED as to form:

City Attorney

Utility Code Changes Phase 2

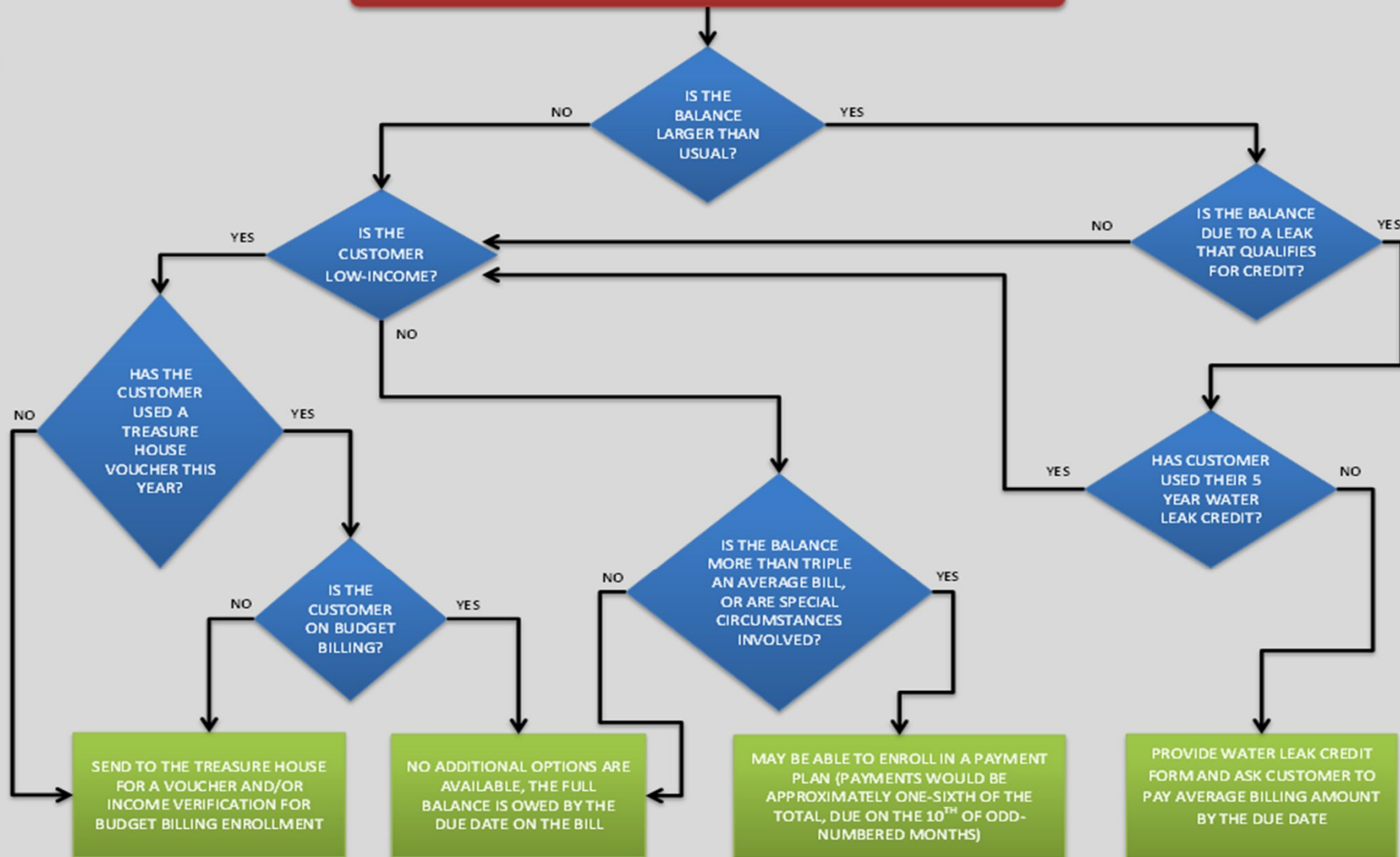
City of Camas
Finance Department



Phase II

- 7 Changes Proposed
 - Budget Billing
 - Low-Income Assistance
 - Abandonment of Service - Complete
 - Service Callout Fees
 - Account Set-Up Fees
 - No Payment Extensions
 - Recorded Property Liens

WHAT ARE THE OPTIONS FOR A CUSTOMER WHO IS STRUGGLING TO PAY?





Budget Billing

- Low Income Qualification
- Enrollment for Budget Billing or average annual utilities
- True-Up at the end of the year
- Intended for Fixed Income customers with low income



Low-Income Assistance

- Partner with external social aid agency to provide:
 - Confirmation of Low Income
 - Assist with utility bill
 - Assist in finding future options to meet payment dates
- City funds program through Utility Rates



No Payment Extensions (Promises)

- Utility customers would no longer be allowed to request an extension for payment to avoid disconnection of services
- No Municipal Code Change

Questions

RESOLUTION NO. ____

A RESOLUTION establishing an Emergency Utility Assistance Program.

WHEREAS, it is in the interest of the City of Camas to assist in the provision of emergency utility services; and

WHEREAS, the City of Camas has established a component of the Water/Sewer Fund #424, through the City's adopted 2015 budget, a fund for the purpose of assisting low income customers, to prevent water shutoff.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CAMAS AS FOLLOWS:

I

The City of Camas hereby adopts an Emergency Utility Assistance Program subject to the terms and conditions listed below:

1. Eligibility. Upon satisfactory proof, emergency assistance may be issued to each household for which:

- a. A member of the household is billed by the City for water services;
- b. The household has been verified by the City or the City's agent:

1. To have an annual income that, when combined with the annual income of all household members, meets the eligibility standards for the Low Income Energy Assistance Program (LIHEAP) authorized by the Low Income Home Energy Assistance Act of 1981, the Omnibus Budget Reconciliation Act of 1981, the Energy Policy Act of 2005, Public Law 109-58; and

2. To not receive subsidized housing assistance.

- c. The household has received notice from the City that payment or payment arrangements must be made to prevent disconnection;

d. The household is served with City water service at a residential, single-family account.

2. Emergency Credit – Maximum. Upon verification of eligibility, the household may receive an emergency credit of a maximum of two hundred fifty (\$250.00) dollars of the delinquent bill for the service address; provided that the household may only receive such credit once in a twelve (12) calendar month period.

II

ADOPTED by the Council of the City of Camas and approved by the Mayor this ____ day of _____, 2015.

SIGNED: _____
Mayor

ATTEST: _____
Clerk

APPROVED as to form:

City Attorney

March 17, 2015

Honorable Governor Jay Inslee
Office of the Governor
PO Box 40002
Olympia, WA 98504-2002

RE: City of Camas' Concerns about Oil Train Safety

Dear Governor Inslee:

With the recent crude oil train car explosions in Illinois and West Virginia, the City of Camas Council is concerned about the safety of oil trains passing through our city. A major east-west railroad corridor passes through Camas adjacent to our downtown, residential areas, the Georgia Pacific Paper Mill and the Columbia River and its tributaries. The number of crude oil railroad cars passing through our city continues to increase and if there is a terminal located in Vancouver, Washington, the numbers will significantly increase.

The City supports your efforts to have the oil industry increase their safety and preparedness measures. Our Fire Department is not equipped to respond to a train derailment and explosion similar to the recent events in Illinois and West Virginia. Fortunately, those events occurred in rural areas. If a similar event occurred in Camas or a comparable location, we risk significant loss of life and property damage. We as a region need to be prepared and have the resources to respond to this type of event. The railroad needs to be required to carry sufficient liability insurance to cover the cost of responding to an event of this nature and the resulting clean up and restoration that would be necessary.

I appreciate your time and welcome any questions you might have.

Sincerely,

Scott Higgins
Mayor