

E-FILED**05-24-2017, 11:42****Scott G. Weber, Clerk
Clark County**

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF CLARK

KATE'S WOODS LLC,

Petitioner/Plaintiff,

Case No. 17-2-00175-2

v.

**CR 2A SETTLEMENT
AGREEMENT**CITY OF CAMAS, a political subdivision of
the State of Washington,

Respondent/Defendant

This is a Civil Rule 2A settlement agreement between Kate's Woods LLC ("Kate's Woods") and the City of Camas ("City"), collectively referred to as the Parties.

The Parties agree as follows:

1. The City will approve the revised McIntosh Ridge boundary line adjustment request as set forth in the "preferred applicant option" prior to or concurrently with dismissal of this matter as described in section 5 herein with the following additional conditions:

(a) All parcel numbers shall be noted on the lots otherwise clearly identified to effect the terms of this settlement;



1 (b) The 20 foot wide current access easement shall be reserved for
2 permanent access to allow one dwelling to be constructed on the adjusted T/L 38
3 that fronts on Brady Road, as depicted on the current BLA plan and the attached
4 Exhibit A and to provide interim access for the following parcels: adjusted TL
5 2/2, 31, 32, 33, 34, and 35; however at no time may the current driveway access
6 point serve more than four dwellings (including T/L 38 and the existing
7 dwellings);

8 (c) Prior to a fifth building permit being permitted for any of the lots
9 that have access to the driveway or concurrently with a final plat being recorded
10 dividing any portion of lots T/L 2/2, 6, 31, 32, 33, 34, 35, 38, or 39, whichever
11 occurs first, the driveway will be closed at the location marked on the attached
12 Exhibit A as "proposed location of future bollards" and a new access point to
13 McIntosh Road will be established with a new 48 foot wide access
14 easement/tract, that meets city requirements for paving and stormwater, as
15 shown on the attached Exhibit A to provide access for the following parcels
16 adjusted TL 2/2, 31, 32, 33, 34, and 35. Once that occurs, the current access
17 easement shall no longer be used to access adjusted TL 2/2, 31, 32, 33, 34, and
18 35 (other than emergency access) but shall continue to provide access for one
19 future dwelling that shall be allowed to be constructed on T/L 38. The applicant
20 shall submit engineering plans for the new 48 foot wide access road by July 1,
21 2017 and the City shall put the engineering plans at the front of the queue and
22 use best efforts to expedite review and approval of those plans for summer
23 construction;

24 (d) Upon issuance of the BLA, a declaration of the private 48 foot
25 wide new access easement shall be recorded as shown on the attached sketch
26 with the current BLA submission in compliance with city code, but the new

1 access is not required to be constructed until one of the two triggers outlined in
2 subsection (c) above is met. At the same time as the declaration of private
3 easement is recorded, a covenant or other mutually acceptable document shall be
4 recorded memorializing the terms of this agreement;

5 (e) Construction vehicles shall not be allowed to access NW
6 McIntosh via the 20 foot wide current access easement;

7 (f) If the City undertakes a capital improvement project to signalize
8 the intersection of SE Brady Road and NW McIntosh Road, owner of T/L 38
9 will make reasonable accommodations in the design of the approach for the 20
10 foot wide current access easement to the intersection provided that the access
11 shall be preserved for residential use only for a single estate dwelling; and

12 (g) To the extent there is a conflict between the language of this
13 CR 2A settlement agreement and the language of Exhibit A, the language of this
14 CR 2A settlement shall control.

15 2. As relates to the Kate's Woods boundary line adjustment the terms of a
16 covenant will be agreed upon which would prohibit the applicant and all successors in
17 title from utilizing a "reasonable use" exception for all future land uses as outlined
18 under CMC Chapter 16.51 for the entirety of the parcel.

19 3. The City will approve the Kate's Woods boundary line adjustment
20 request prior to or concurrently with dismissal of this matter as described in section 5
21 herein. Consistent with the site plan submittal, future development on the Kate's Woods
22 property will not directly impact any delineated wetlands, but indirect impacts (i.e.,
23 impacts to the buffer) will be allowed; provided that the applicant will preserve at least
24 5 feet of the buffer. Further, impact on any designated buffer areas shall be mitigated
25 on site or off site per CMC and State Law; provided that the applicant shall be entitled
26 to purchase at least 75% of the mitigation from an established regional wetland

1 mitigation bank serving any drainage basins within the City of Camas. Finally, based
2 on the report submitted from The Resource Group with the concurrence of Ecological
3 Land Services, the City agrees that the wetland on the Kate's Woods site (and
4 surrounding areas) is a Category 4 wetland, as shown on the maps.

5 4. Kate's Woods agrees to an overall maximum density limitation of 150
6 units on the Kate's Woods site to be established by an agreed recordable document.

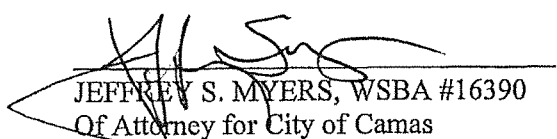
7 5. The LUPA petition and the associated damages claim shall be dismissed
8 with each party bearing their respective attorney's fees and costs in this matter.

9
10 DATED this 23 day of May, 2017.

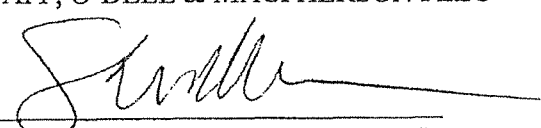
11 LANDERHOLM, P.S.

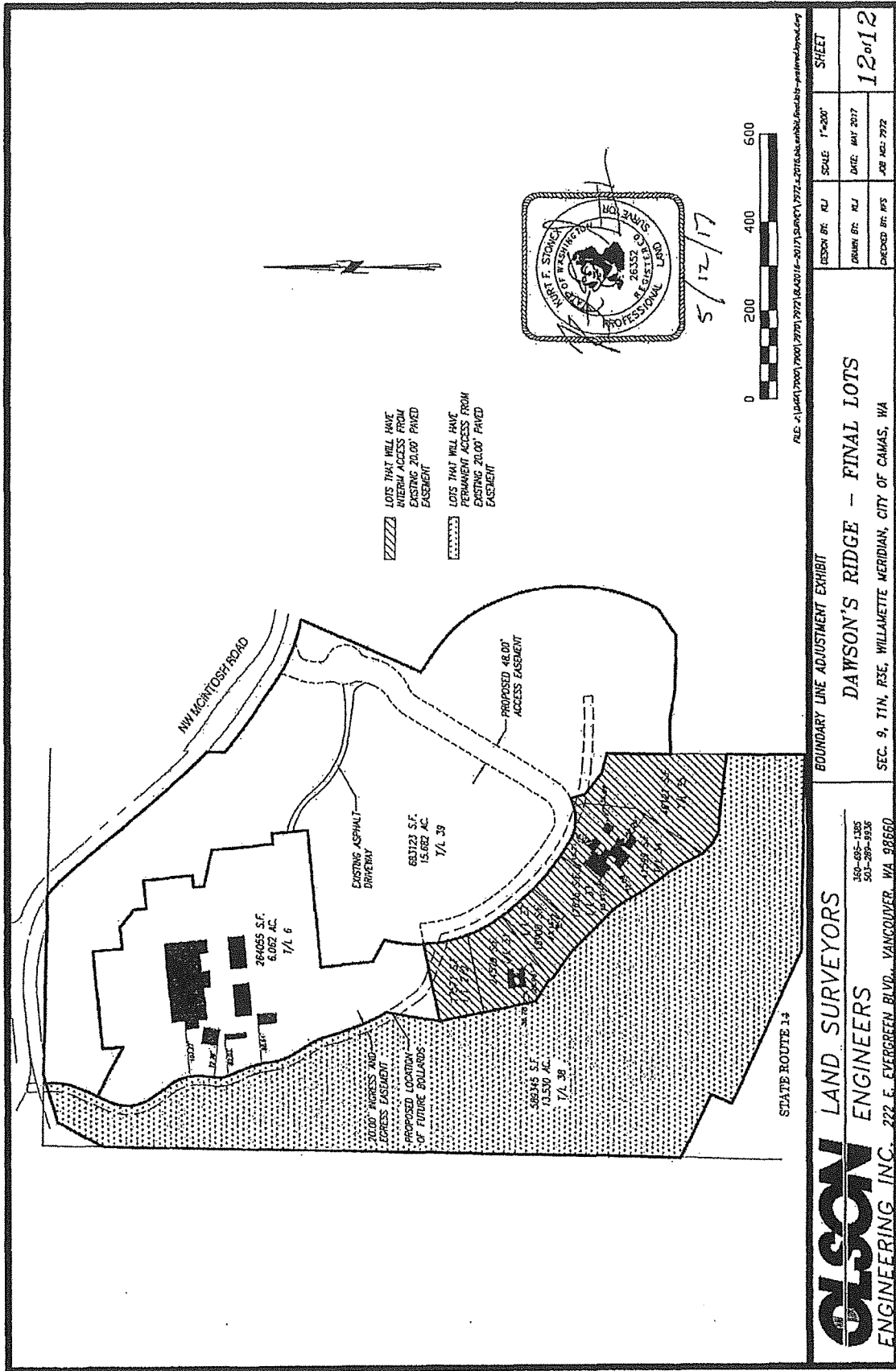
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BOUNDARY LINE ADJUSTMENT EXHIBIT
DAWSON'S RIDGE - FINAL LOTS
 SEC. 9, 11N, R3E, WILLAMETTE MERIDIAN, CITY OF CAMAS, WA

DESIGN BY: NJ	SCALE: 1"=200'	SHEET	
DRAWN BY: NJ	DATE: MAY 2017		
CHECKED BY: MS	JOB NO.: 2012		

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