


**NOTICE OF DECISION FOR DAWSON RIDGE SUBDIVISION
(FILE #SUB17-02)**



Decision Issued: January 19, 2018

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Applicant/Owner: McIntosh Ridge PRD, LLC
David Lugliani
16420 SE McGillivray Blvd. #103-197
Vancouver, WA 98683

Location: Southeast of the intersection of SE Brady Road and NW Macintosh Road

Parcels: 127144-000, 127175-000, and 127162-007 **Zoning:** R-15

THIS IS TO SERVE AS NOTICE that the Dawson Ridge Subdivision (File #SUB17-02) was approved and the SEPA appeal (File #SEPA17-16) was granted in part, subject to conditions of approval and revised SEPA conditions. The Final Order with the conditions of approval is attached to this notice.

RECONSIDERATION (CMC§18.55.235)

Any party of record believing that a decision of the hearings examiner is based on erroneous procedures, errors of law or fact, or the discovery of new evidence which could not be reasonably available at the public hearing, may make a written request to the examiner for reconsideration. The request must be filed with the city clerk and include the appeal fee of \$369.

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

DAWSON RIDGE (SUB17-02)
PRELIMINARY PLAT



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

Regarding an application by McIntosh Ridge PRD, LLC)	<u>FINAL ORDER</u>
for approval of a preliminary plat to divide 21.74-acres)	
into 43 lots in the R-15 zone, south of NW Macintosh)	FILE# SUB17-02
Road, west of SE Brady Road, in the City of Camas)	(Dawson Ridge)

A. SUMMARY

1. The applicant, McIntosh Ridge PRD, LLC, requests approval to divide the 21.74-acre site into 43 lots and tracts for stormwater, private streets, and open space. The development site is located south of NW Macintosh Road, west of SE Brady Road. The legal description of the development site is tax parcels 127144-000, 127175-000, and 127162-007 (the "site").¹ The applicant will develop the site in three phases. The applicant will construct a new single-family detached dwelling on each of the proposed lots. All proposed lots comply with the minimum dimensional standards for the R-15 zone, as modified by the density transfer ordinance.

a. The site, and properties to the east, west, and south are zoned R-15 (Single Family Residential, 15,000 square foot average lot size). Properties to the northwest, across NW Macintosh Road, are zoned R-12 (Single Family Residential, 12,000 square foot average lot size). Properties to the northeast, across NW Macintosh Road, are zoned R-7.5 (Single Family Residential, 7,500 square foot average lot size).

b. There are steeply sloped (25% to over 60%) areas in the northwestern and southern portions of the site. There is a stream with associated wetlands near the north boundary of the site, parallel to NW McIntosh Road. The applicant's critical area report states that there are approximately 18 acres of wetland, riparian and conifer forested areas on site. There is a grove of Oregon White Oak trees located offsite. The applicant proposed to preserve the stream, wetlands, and steep slopes in open space tracts.

c. The site is currently developed with an equestrian center consisting of a large barn/arena and associated outbuildings in the northwest corner. The applicant proposed to retain and continue to operate the equestrian center on the site until Phase 3 of the project is developed.

d. The City of Camas will supply domestic water and sanitary sewer service to the site. The applicant will collect stormwater from impervious areas on the site and convey it to a stormwater facility in proposed Tract B for treatment, detention, and discharge into the onsite stream.

e. The applicant will dedicate right-of-way and construct a new public cul-de-sac street, proposed NW Sacajawea Court, into the site from NW McIntosh Road opposite the existing NW Sacajawea Street. The applicant will extend a new private loop street, proposed Tract D, into the site from the terminus of NW Sacajawea Court with

¹ The parcel numbers and site size are different from those listed in the Staff Report. As discussed at the hearing, the applicant and the City entered into a settlement agreement and the applicant recorded a boundary line adjustment after the application was submitted, which altered the size and parcel numbers of the site. See Exhibit 72.

dead-end stubs extending to the southeast and northwest portions of the site. The northwest stub will terminate in a hammerhead turnaround within Phase 3. The southeast stub will terminate in a cul-de-sac turnaround within Phase 2.

f. In addition, the applicant will construct modified frontage improvements along the site's NW McIntosh Road frontage, widening the pavement width to 26-feet from curb-to-curb with a minimum width of 1.5-foot of shoulder on the south side of the south curb line and installing left turn pockets on NW McIntosh Road at NW Sacajawea Circle and at NW Brady Road. In lieu of providing sidewalk on the south side of NW McIntosh Road, the applicant is proposing to construct a segment of the T-11 Trail shown in the City's Park Recreation and Open Space ("PROS") Plan through the riparian/wetland buffer that runs parallel to NW Brady Road. The Applicant will widen the sidewalk on the north side of McIntosh Road to a minimum of 8-feet in width to provide a shared use path, including a westbound bike lane, along the length of the project. The applicant will install safety enhanced pedestrian crossings at the intersections of NW Sacajawea Circle and NW Brady Road with NW McIntosh Road.

2. The City issued a Mitigated Determination of Nonsignificance ("MDNS") for the subdivision pursuant to the State Environmental Policy Act ("SEPA") on November 23, 2017. (Exhibit 68). The applicant filed a written appeal of the City's MDNS. (Exhibit 66).

3. City of Camas Hearing Examiner Joe Turner (the "examiner") conducted a public hearing to receive testimony and evidence about the application. City staff recommended the examiner approve the preliminary plat subject to conditions. See the City of Camas Staff Report to the Hearing Examiner dated December 7, 2017 (the "Staff Report"). The applicant accepted those findings and conditions, as amended at the hearing and during the open record period, with certain exceptions. Four persons testified orally with questions and concerns about the application. Other persons testified in writing. (Exhibits 27 and 76). Contested issues in the case include:

a. Whether traffic from this development will exceed the capacity of area streets or create a hazard;

b. Whether a guardrail is warranted on the south side of NW McIntosh Road;

c. Whether the applicant can be required to dedicate land for a park or viewpoint on this site;

d. Whether the proposed density is consistent with the R-15 zoning as modified by the density transfer ordinance;

e. Whether the applicant can locate the steep slope management zone in easements on the proposed lots;

f. Whether the applicant is required to provide accessory dwelling units and/or ADA accessible homes on the site;

g. Whether the City can approve increased lot coverage to accommodate ADA accessible homes or accessory dwelling units;

h. Whether the wetland buffer on proposed Lot 39 can be included in the lot;

i. Whether the stormwater access on Lots 38 and 39 must be located in a tract;

j. Whether the applicant is required to install fences separating the proposed lots from abutting wetlands and between the equestrian center and the phase 1 lots prior to final plat approval.

4. Based on the findings provided or incorporated herein, the examiner grants the SEPA appeal in part and approves the preliminary plat subject to the conditions and revised SEPA conditions at the end of this final order.

B. HEARING AND RECORD HIGHLIGHTS

1. The examiner received testimony at a public hearing about this application on December 13, 2017. All exhibits and records of testimony are filed at the City of Camas. At the beginning of the hearing, the examiner described how the hearing would be conducted and how interested persons could participate. The examiner disclaimed any *ex parte* contacts, bias or conflicts of interest. The following is a summary by the examiner of selected testimony and evidence offered at the public hearing.

2. City planner Sarah Fox summarized the Staff Report and her PowerPoint presentation (Exhibit 71) and responded to the SEPA appeal.

a. The City agrees with the applicant's proposed changes to SEPA conditions 12 and 15 and Staff Report conditions 11, 39, and 40 as discussed in Exhibits 70 and 71.

b. The City does not support the applicant's proposed change to Plat Note 4, regarding maximum lot coverage. CMC 18.09.040.A allows a maximum 30-percent lot coverage in the R-15 zone. , CMC 18.09.040.B increases the maximum lot coverage to 35-percent for density transfer lots. The Code does not authorize any additional increase in lot coverage in the R-15 zone. CMC 18.09.060.D allows flexibility in lot sizes, lot width, depth, or setback standards where a density transfer development includes one-half acre or more of contiguous open space. This section does not allow increases in lot coverage.

c. The 2014 PROS Plan discusses a Special Use Area ("SU") identified as the proposed Columbia Viewpoint (SU-11) near the south end of the site. The Staff Report assumed that Tract I was proposed to provide access to this viewpoint. However Tract I, located between Lots 8 and 9, is actually intended to provide pedestrian access to the adjacent property as required by the Code. Proposed Tract B could provide a location for the proposed viewpoint as shown in Exhibit 71.

d. The applicant should be required to locate the geotechnical setback areas in separate tracts, outside of the proposed lots. CMC 16.59.090.A(2) prohibits "[d]esigns that require periodic maintenance or other actions to maintain their level of function." The Code allows garages, swimming pools, greenhouses, storage units, retaining walls, and other similar structures on residential lots without building permits, subject to size limits. These types of development could create a hazard if constructed

within the geotechnical setback area. Therefore, if the geotechnical setback areas are included in the lots, the City would need to conduct periodic inspections to ensure that such structures are not being developed within the setback.

e. She requested the examiner modify condition 32 to require a street lighting "analysis," rather than a "study."

f. The findings regarding CMC 16.59 on p. 18 of the Staff Report should read:

Both consultants agreed that the following activities within the geotech setbacks would require additional geotechnical review: fill placement; retaining walls; accessory structures (when building permit required); and minor residential lot development (i.e. accessory structures less than 120 square feet, decks lower than 30 inches, grading, retaining walls, etc.) that would not typically require additional permit review after plat approval.

g. ADUs are significantly different than duplex structures. ADUs are subject to specific size limits and must be smaller than the primary residence. In addition, the property owner must occupy one of the dwellings on any lot containing an ADU.

3. Planner Melanie Poe, attorney Steve Morasch, engineer Kurt Stonex, and geotechnical engineer Ryan White testified on behalf of the applicant.

a. Ms. Poe summarized the proposed development and responded to the Staff Report.

i. The photos submitted by City staff to illustrate views from the site were actually taken offsite, on an adjacent property located southwest of the site. Proposed Tract B does not provide any views of the Columbia River.

ii. The site consists of two legal lots of record but three tax parcels. The parcel numbers and sizes listed on p. 1 of the Staff Report do not reflect a recently approved boundary line adjustment. Tax parcel 127174 is not part of the site. She submitted Exhibit 72, which reflects the correct parcel numbers and sizes. The adjusted site contains 21.74-acres.

iii. The applicant will retain approximately 6.6 acres of the site as undeveloped open space.

b. Mr. Morasch summarized the SEPA appeal and his written testimony, Exhibit 73.

i. The City has no authority to require that the applicant designate specific lots for or construct barrier free single-story dwellings consistent with the Americans with Disabilities Act ("ADA dwellings") or Accessory Dwelling Units ("ADUs") on the site as required by SEPA Condition 15. The need for ADAs and ADUs is a citywide need that is not unique to this development. The applicant is willing to modify the CC&Rs for this development to allow ADAs and ADUs on the site, as required by Plat Note 1 in

the Staff Report.² He requested the examiner modify SEPA condition 15 to require the applicant modify the CC&R's to allow, but not require, these types of dwelling units, consistent with the language in Plat Note 1.

(A) The development agreement for the Parklands development increased the maximum lot coverage up to 60-percent to accommodate ADUs. The City should allow a similar increase in the maximum lot coverage on this site to allow for construction of ADAs and ADUs.

ii. The geotechnical setbacks on this site should be located within the proposed lots and protected easements, rather than in separate tracts. Including the geotechnical setbacks within the proposed lots will not create a hazard. CMC 16.59.050 expressly allows fences and unoccupied structures up to 2,500 square feet within geotechnical setbacks. Removing the geotechnical setbacks from the lots will reduce the size of the lots, the size of the homes that can be built on the lots, and the available yard area. The applicant will install signage at the outer edge of the geotechnical setbacks to inform residents of the existence of geotechnical setbacks. The applicant will modify the proposed building envelopes to locate the envelopes completely outside of the geotechnical setbacks.

(A) The City is relying on CMC 16.51.240.A as authority for requiring the geotechnical setbacks be located in separate tracts. However this is a general standard that applies to all critical areas. CMC 16.59.050, which expressly allows certain structures within geotechnical setbacks, is specific to geologically hazardous areas. The specific provisions of CMC 16.59.050 should prevail over the general provisions of CMC 16.51.240.A. The applicant will create a homeowners association with authority to enforce development limitations within the geotechnical setback easements.

iii. The City has no authority to require the applicant to construct the Columbia Viewpoint (SU-11) identified in the 2014 PROS Plan.

(A) The Columbia Viewpoint (SU-11) is not located on the site; the asterisk on the PROS plan illustrating the location of the viewpoint is located on the property to the south and east, where topographic benches provide views of the river. The City has no authority to impose conditions of approval on off-site properties that are not part of the proposed development site. There are no views of the Columbia River from the site. As shown in Exhibits 74 and 75, mature trees located on properties to the south block views of the river from the site. The City's photos in Exhibit 71 show views from an abutting property that is no longer part of the site.

(B) The City failed to provide any evidence demonstrating an essential nexus between the proposed development and the need for the viewpoint or that the cost of providing the viewpoint is roughly proportional to the impact of the proposed development. Therefore conditions of approval requiring this viewpoint would constitute a prohibited exaction under RCW 82.02.020 and the Washington State and U.S. constitutions.

² Modifications required by this Final Order changed the numbering of the conditions from what those in the Staff Report. Therefore the examiner refers to the condition numbers and plat notes "in the Staff Report" to identify conditions discussed at the hearing or proposed for modification.

(C) The PROS plan does not authorize exactions to acquire property needed to implement the plan. Section 7.2 of the PROS plan identifies "exactions" as a potential funding source. However, as defined by the PROS plan, "exactions" must occur through the development agreement process. There is no development agreement for this project. In addition, exactions are not listed as an actual funding source in Section 7.4 of the plan, which identifies the "Proposed Short Term Financing Strategy" for the PROS plan.

(D) Proposed Tract I will provide opportunities for a future trail connection to the south, which will facilitate access to the planned viewpoint on the adjacent property.

iv. He requested the examiner modify conditions 48 and 51 to require the installation of temporary fencing at the boundary of all critical areas and between the equestrian center and Phase 1 lots prior to final plat approval. Permanent fencing should be deferred until final occupancy approval of homes on the abutting lots. Permanent fencing installed prior to final plat approval could be damaged during construction on the proposed lots. This is consistent with CMC 16.51.201, which requires the installation of temporary markers at critical area boundaries prior to the commencement of permitted activities, CMC 16.51.201.A. Such temporary markers must be maintained until replaced by permanent markers or fencing, CMC 16.51.201.B and C.

v. There is no need for fencing on Tract H. The proposed trail will provide a buffer between Tract H and the adjacent critical area.

vi. The applicant will not construct frontage improvements on the south side of NW McIntosh Road. The stream near the north boundary of the site, abutting McIntosh Road is a critical area. Therefore the applicant cannot place the stream in a culvert to accommodate widening of the road. The applicant will widen the sidewalk on the north side of the road and provide an on-site trail south of the stream.

vii. The proposed development will add traffic to area streets. However it will not exceed the City's concurrency standards, based on the applicant's traffic analysis.

viii. The applicant is not proposing additional density on the site. The applicant intends to provide the largest lots it can. However the geotechnical setbacks may limit the size and developable area on some of the proposed lots. Therefore the applicant is requesting some flexibility in the lot dimensions in order to maintain the number of lots proposed.

c. Mr. Stonex responded to the neighbor's concerns regarding stormwater, raised in Exhibit 27. The proposed development will provide a separate stormwater facility on the site. The applicant will locate the filtration and detention facilities underground; a surface stormwater pond is not proposed. The applicant will release treated stormwater to the existing stream near the northwest corner of the site at less than predevelopment rates. This development will have no impact on the stormwater facility serving the Hidden Leaf development to the north of the site.

i. He testified that proposed Tract H was included in error. Tract H will be eliminated and combined with Tract A. He agreed to a condition of approval to that effect.

ii. He requested the examiner modify conditions 11 and 26 to read, "The T-11 Trail shall, to the extent feasible, be a minimum of 10-feet in width and meet ADA guidelines."

iii. The applicant will locate the stormwater easement between lots 38 and 39 in a separate tract, as required by conditions 41 and 42. However the applicant should be allowed flexibility in the size of lots 36 through 39, as allowed by CMC 18.09.060.D.

iv. If the City wants to encourage ADUs, it should allow additional lot coverage to accommodate such units. The maximum 35-percent lot coverage limitation in Table 1 of CMC 18.09.040 limits the ability of the applicant or future homeowners to construct ADUs on the proposed lots.

v. A condition requiring that the applicant specify which lots will provide ADUs or ADA homes would be difficult to implement. If future buyers wanted to purchase a particular lot and construct an ADA or ADU they would need to obtain City approval of a plat alteration to move the ADA or ADU designation to a different lot

vi. The applicant cannot construct full frontage improvements on the south side of NW McIntosh Road without impacting the critical areas (the stream and associated wetlands and buffer). The applicant will evaluate the need for a guardrail during the final engineering review.

d. Mr. White testified that aboveground pools of the size allowed without permits would not pose a hazard within the geotechnical setback.

4. Sam Onofrei asked questions about the lot sizes permitted by the density transfer ordinance and the ongoing Planned Residential Development ("PRD") application for this site.

5. Nancy Hasey expressed concerns with the traffic impacts of the proposed development. Area roads are congested under existing conditions. Significant development is planned near the intersection of SE Brady Road and 192nd Avenue. Traffic from that project, combined with traffic from this development, will exacerbate existing traffic issues.

6. Colleen McDonald questioned whether the flexibility in lot width and depth allowed by CMC 18.09.060.D will allow smaller lots on this site. She questioned whether the proposed plat map changed from that shown in the public notice.

7. Richard Robertson objected to SEPA condition 15, which requires the applicant designate lots for ADUs. He argued that a single-family residence and ADU on the same lot is effectively a duplex development. Requiring the applicant designate specific lots for ADUs limits flexibility for future residents. He noted that there is a steep ravine on the south side of McIntosh Road. The applicant or the City should be required to install a culvert and fill the ravine or install a guardrail to prevent vehicles sliding into the ravine.

8. City engineer James Carothers testified that adopted engineering standards require guardrails when the topography adjacent to the road exceeds specific grade

and depth standards. The ravine south of McIntosh Road does not meet this standard. Therefore a guardrail is not required.

9. At the end of the hearing the examiner held open the public record for one week, until December 27, 2017, to allow all parties an opportunity to submit additional testimony and evidence. The examiner held the record open for a second week, until January 3, 2018, to allow all parties an opportunity to respond to the information submitted during the first open record period and for the applicant to submit a closing argument.

C. DISCUSSION

1. City staff recommended approval of the preliminary subdivision plat, based on the affirmative findings and subject to conditions of approval in the Staff Report and SEPA MDNS, as modified at the hearing. The applicant accepted those findings and conditions, as modified, with certain exceptions.

2. The examiner concludes that the affirmative findings in the Staff Report and SEPA MDNS, as modified, show that the proposed preliminary plat does or can comply with the applicable standards of the Camas Municipal Code and Revised Code of Washington, provided that the applicant complies with recommended conditions of approval as modified herein. The examiner adopts the affirmative findings in the Staff Report and SEPA MDNS, as modified, as his own, except to the extent they are inconsistent with the following findings.

3. Neighboring residents disputed the accuracy of the applicant's traffic study.

a. Neighbors note that the traffic analysis did not consider traffic from the recently approved Columbia Palisades project. Exhibit 76. However, as discussed in Exhibit 83, the Columbia Palisades development was approved after this application was submitted. The applicant submitted a supplemental traffic analysis (Attached to Exhibit 83) that reviewed traffic generated by this development and concluded all study area intersections will continue to operate at acceptable levels of service with the additional traffic from the Columbia Palisades development. There is no substantial evidence to the contrary.

b. No townhomes are proposed with this development. This final order approves the development of 43 lots for single-family homes on the site. The applicant is pursuing simultaneous approval of a Planned Residential Development on the site, which includes higher density and a mix of single-family detached and attached (townhome) dwellings. The applicant submitted the same traffic analysis for both applications. Therefore the traffic analysis, which reviewed the traffic impacts of the PRD, overstates the traffic impacts of this development. The lower density development proposed in this application will generate less traffic impact than was assumed in the applicant's analysis. If the PRD application is also approved the applicant may choose which of the two development approvals to develop on the site.

c. Neighbors note that the traffic study did not consider Project #26 of the City's six-year street priorities plan, which is proposed to widen the pavement and add bike lanes to McIntosh Road. However, as discussed in the Staff Report, there is insufficient room to widen the section of NW McIntosh Road abutting the site to current City standards. The City approved a road modification for this development allowing

modified improvements to this section of NW McIntosh Road. The applicant will widen the section of roadway abutting the site to a minimum width of 26-feet from curb-to-curb with a 1.5-foot shoulder on the south side of the south curb line and install left turn pockets on NW McIntosh Road at NW Sacajawea Circle and at NW Brady Road. The applicant will widen the sidewalk to eight feet on the north side of NW McIntosh Road to provide a shared use path. The planned improvements will not add additional vehicle travel lanes on NW McIntosh Road. However, to the extent the wider pavement increases the capacity of NW McIntosh Road, the improvements will reduce the traffic impact of this development. Therefore, the alleged failure to consider this street improvement project did not impact the conclusion of the applicant's traffic analysis.

d. Neighbors noted that the existing pavement on NW McIntosh Road is in need of repair. However the applicant is not required to remedy this existing deficiency, because it would be disproportionate to the impact of the proposed development. Applicants are not required to remedy all perceived and existing deficiencies in the vicinity of a development. The Code requires an applicant to mitigate impacts a development causes or to which it contributes significantly. Although the proposed development contributes to problems with substandard streets in the area, those problems exist largely because of existing development. It would be inequitable to require an applicant to bear the full burden of improvements where the proposed development is only responsible for a small portion of the problem. The need for street improvements is one that exists generally along streets in the area, and is a need to which all adjoining properties contribute, not just the lots being created in this case.

e. Construction traffic on NW McIntosh Road may cause additional wear and tear on the existing pavement due to the greater gross weight of many construction vehicles and pavement cuts needed to access existing utilities. Construction contractors are responsible for repairing any damage they cause and restoring existing improvements to equal or better than pre-construction condition. This is addressed through the City's right-of-way permit process.

f. The proposed development will generate increased traffic on area streets. That increased traffic will be perceptible to area residents. However, based on the applicant's traffic study, it will not exceed the capacity of those streets nor create a hazard. All intersections impacted by this development will continue to operate at acceptable levels of service. Neighbors' observations of existing traffic is substantial evidence. But their opinions that traffic from the proposed subdivision will make the streets unsafe is not supported by substantial evidence, because they are not experts in such matters. The examiner finds that the expert testimony by the engineers for the applicant and the City is more persuasive than neighbors' testimony about the impact of traffic from the subdivision on area streets.

g. The examiner acknowledges that more traffic on area streets creates a proportionally higher risk for drivers, pedestrians and bicyclists. In response reasonably prudent people exercise more care personally and with family members. Those risks are consistent with the location of the site in the urban area where City plans call for the sort of development being proposed. Reasonably prudent drivers will observe the posted speed limit and if necessary, further reduce their speed to accommodate ice, steep grades, narrow pavement, and other road conditions. Unfortunately not all drivers are prudent enough to observe posted speed limits and road conditions. However there is no evidence that the development proposed in this application will contribute a disproportionate share of imprudent drivers. If speeding problems occur, the examiner

encourages area residents to contact the City to request enhanced enforcement of traffic laws in this area to reduce speeds on these streets.

4. Mr. Robertson argued that the applicant should install a guardrail on the south side of McIntosh Road to prevent vehicles from sliding into the adjacent ravine. However, as Mr. Carothers noted at the hearing, the City's adopted engineering standards require guardrails when the topography adjacent to the road exceeds specific grade and depth standards. The City will evaluate the need for a guardrail during the final engineering review. Regardless of whether a guardrail is required, the applicant will install a curb on the south side of McIntosh Road to control stormwater, which will also provide some protection for vehicles.

5. The applicant will provide enhanced pedestrian crossings at the intersections of NW Sacajawea Circle and NW Brady Road with NW McIntosh Road. The proposed enhancements include striping, pedestrian signage, and rapid flash beacons or a City approved equivalent at NW Sacajawea Circle and signing, striping, and a pedestrian refuge island at NW Brady Road. See conditions 27 and 28 in the Staff Report. These road crossings will facilitate access between the proposed trail on this site and the existing Deer Creek trail north of the site, as well as providing access to the westbound shared use path on the north side of NW McIntosh Road.

6. The examiner finds that the applicant cannot be required to dedicate land for a park or viewpoint on this site.

a. The "Park System Concept" map included in the 2014 PROS plan includes an asterisk near the south boundary of the site, which is identified as a proposed Special Use Park (SU-11). SU-11 is not intended to provide playgrounds or sports facilities. SU-11 is identified as the "Proposed Columbia Viewpoint," which is intended to provide a viewpoint of the Columbia from the City's trail system. This site is likely to be accessible only by foot or bicycle. (p. 3-12 of the PROS plan).

b. Neighbors argued that there is a need for additional parks, playgrounds and sports facilities in the area. The proposed development contributes to the need for parks. However, like the road improvements discussed above, this need exists largely because of existing development. It would be inequitable to require this applicant to bear the full burden of parkland dedication and improvements where the proposed development is only responsible for a small portion of the problem. The need for parks is one that exists generally in the area, and is a need to which all properties in the area contribute, not just the lots being created in this case. The examiner cannot delay action or deny approval of the application to allow the City an opportunity to purchase a portion of the site as a park. The applicant proposes to divide the site. If the application complies with the applicable standards and criteria in effect when the application was filed, then it must be approved, whether or not the site could be used as a park. The applicant will pay park impact fees, which the City can use to acquire additional parkland in the area.

c. The City argued that the applicant should be required to dedicate land and construct the Proposed Columbia Viewpoint on this site. A condition of approval requiring the applicant dedicate land for, design, and construct a viewpoint is an exaction. Therefore the City must demonstrate an essential nexus between the exaction and the impacts of the proposed development and that the cost of the exaction is roughly proportional to the impacts of the development. See RCW 82.02.020; *Nollan v.*

California Coastal Comm'n, 483 U.S. 825, 107 S.Ct. 3141 (1987); *Dolan v. City of Tigard*, 114 S.Ct. 2309, 129 L.Ed.2d 304 (1994); and *Koontz v. St. Johns River Water Mgmt. Dist.* 568 US ___, 133 S.Ct. 2586, 186 L.Ed.2d 697 (2013). The Washington Court of Appeals in *Burton v. Clark County*, 91 Wn. App. 505, 520 (1998) created a four-part test to determine whether a proposed exaction complies with RCW 82.02.020 and *Nollan/Dolan*. In order to impose an exaction under *Burton* the City must:

i. Identify a public problem or problems that the condition is designed to address;

ii. Show that the development for which a permit is sought will create or exacerbate the identified public problem; i.e., there must be a relationship ("nexus") between the development and the identified public problem;

iii. Show that the proposed condition or exaction (the proposed solution to the identified public problem) tends to solve, or at least to alleviate, the identified public problem; and

iv. Show that its proposed solution to the identified public problem is "roughly proportional" to that part of the problem that is created or exacerbated by the proposed development.

d. In this case, the identified public problem is the desire to protect existing public views of the Columbia River, as outlined in CMC 16.33.010.B(1)(b).

e. However, the City failed to demonstrate how the development proposed in this case will impact existing public views of the river. There are no existing public views of the river in this area; the river is not visible from existing streets, parks, trails, or other public locations in the area. Therefore development on this site will not impact any existing public views of the river. Whether the river may be visible from the site is irrelevant. That is a private, not a public view.

i. The facts in this case are distinguishable from *Nollan*. The applicant in *Nollan* owned property located between a public road and the Pacific Ocean. The applicant proposed to construct a larger home on the property, which would limit views of the ocean from the public road. The Court held that the Commission could have imposed height limits, width restrictions, or imposed a ban on fences to maintain views of the ocean. The Court held that the Commission could even require a viewing spot on the property to provide views of the ocean that the proposed home would otherwise interfere with. Based on that analysis, the City in this case could require a view corridor over the site or a viewing area on the site to protect existing public views.

ii. However, as noted above, there are no existing public views of the Columbia River that may be impacted by the proposed development. Therefore there is no nexus between the identified public problem, the need to maintain public views of the river, and the impact of this development.

iii. If there were existing public views of the river, the City could impose restrictions on this development to maintain those existing public views. Such restrictions could include development restrictions or height limits within an identified view corridor from the existing viewing areas. The City could even require the creation of an on-site viewing area to replace existing public views that would be impacted by the

proposed development, as discussed in *Nollan*. However, because there are no existing public views of the river that will be impacted by this development, the City has no authority to impose such restrictions in this case.

f. In addition, the City failed to provide any evidence demonstrating that the cost of the exaction is roughly proportional to the impacts of the proposed development. *Dolan and Koontz*.

g. The examiner has no authority to require that the applicant sell and the City purchase a portion of site or the adjacent tax lot as proposed by applicant.

h. The requirement that the applicant construct trails within the site consistent with the PROS plan meets the nexus and rough proportionality requirements of RCW 82.02.020 and *Nollan, Dolan, and Koontz*.

(A) There is a nexus between this development and the need for trails, because the residents of the proposed lots will generate increased demand for active recreation opportunities and construction of the proposed trails will help alleviate that impact. The cost of the trails is roughly proportional to the impact because the applicant is only required to build a proportionate share of the overall planned trail system.

(B) This is similar to the requirement that applicants construct road frontage improvements. A development will generate additional traffic impacts. The construction of frontage improvements on road sections abutting a development site helps mitigate that impact. Although traffic generated by a development will use the City's overall road system, an applicant is only required to improve its proportionate share of the road, that portion abutting the site.

(C) Requiring this applicant to dedicate land for and construct a public viewpoint on the site places the entire burden of providing this public benefit on a single applicant. All the residents of the City create the need for the viewpoint, not just the lots being developed in this case. Yet the applicant would be required to bear the entire cost of providing this public benefit.

(D) The City may utilize park impact fees paid by this and other developments in the area and/or other funding sources to purchase a portion of the site or other property in the area and develop the viewpoint identified in the PROS plan.

7. Concerns were expressed about the density of development proposed. However the density proposed for this site is within the range permitted by the comprehensive plan map designation and zoning of the site, as modified by the density transfer ordinance. The purpose of the density transfer ordinance is to preserve sensitive areas (wetlands, steep slopes, etc.) by transferring development density from these areas to non-sensitive areas of the site. The density transfer ordinance allows for smaller lot sizes in order to enhance compliance with the City's density goals while preserving sensitive lands.

a. Even if the subdivision will have an adverse impact on property values -- and there is no substantial evidence to that effect in the record --- protection of property values is not relevant to the applicable State or County standards. The examiner must base the decision on the laws of the City of Camas and Washington State.

8. Staff and the applicant reached an agreement allowing the applicant to locate the geotechnical setback areas in easements within proposed lots 8, 9, 31, 32 and 33, subject to plat notes restricting uses within the geotechnical setbacks to fencing, landscaping, and patios. See Exhibits 79 and 82. The easements will be enforceable by the proposed homeowners association. The applicant will also install temporary and permanent warning signs on the boundary of the easements closest to the residence as required by CMC 16.51.210. The examiner finds that the proposed restrictions are within the City's authority.

a. The geotechnical setback constitutes the "management zone" required by CMC 16.59.090.A.1(a). CMC 16.51.240.A requires that the critical area (steep slope) and associated buffer or management zone be "[p]rotected and preserved through a permanent protective mechanism acceptable to the city. This may include placing the critical area and its associated buffer or management zone in a separate tract; executing a protective easement; or dedicating the critical area and its associated buffer or management zone to a public agency, or public or private land trust." (Emphasis added).

b. In this case the City concluded that, based on the unique site-specific conditions (e.g. the location of the existing access road within the geotechnical setback), locating the geotechnical setback easements on the lots will provide adequate protection and preservation of the management zone. That determination is within the City's authority granted by CMC 16.51.240.A. SEPA conditions 1, 2, 9 and 10 should be modified to that effect.

9. The City and the applicant agreed to modify SEPA condition 15 to delete the requirement that the applicant designate at least one lot within each phase for ADU or ADA dwellings and construct any ADU dwellings concurrently with primary dwellings. Instead, the applicant should be required to include a provision in the CC&Rs for this development allowing the construction of ADU or ADA dwellings on any lot on the site. SEPA condition 15 should be modified to that effect.

a. CMC 18.27.030 provides, "An 'accessory dwelling unit (ADU)' means an additional smaller, subordinate dwelling unit on a lot with or in an existing or new house. These units are intended to provide for a greater range of choices of housing types in single-family and multifamily residential districts. An ADU is not a duplex because the intensity of use is less due to the limitations of size and number of bedrooms."

10. The City agreed to increase the maximum allowed lot coverage to 40-percent for lots that construct an ADU or ADA dwelling. See Exhibit 82. However the City failed to identify any authority for allowing such an increase.

a. As Ms. Fox noted at the hearing, CMC 18.09.040.A allows a maximum 30-percent lot coverage in the R-15 zone. CMC 18.09.040.B allows up to 35-percent lot coverage for density transfer lots. But the Code does not authorize the City to allow any further increases in lot coverage. CMC 18.09.060.D grants the City authority to allow additional flexibility in lot sizes, width, depth, or setback standards in exchange for certain open space or critical area protections. This section does not allow increases in lot coverage.

b. The examiner finds that, if the City Council had intended to allow further increases in lot coverage in exchange open space or critical area protections it would have included lot coverage in CMC 18.09.060.D. This is consistent with the standard rule of statutory construction, "Inclusio unius est exclusio alterius--a canon of construction holding that to express or include one thing implies the exclusion of another..." *Detention of Dydasco, In re*, 85 Wn.App. 535, 933 P.2d 441, (Wash 1997), fn. 2.

c. The fact that the City allowed the Parklands development to allow up to 60-percent lot coverage to accommodate ADUs is irrelevant. The City approved that increase through a development agreement adopted pursuant to CMC 18.55.340. The City has not entered into a development agreement for this development.

d. Therefore the examiner finds that the maximum lot coverage allowed on this site must be limited to 35 percent, the maximum allowed by CMC 18.09.040.B.

11. The northeast corner of proposed Lot 39 extends into the wetland buffer. CMC 16.53.040.B(3) provides, "Where a residential plat is proposed, wetlands and wetland buffers shall be placed within a non-buildable tract." However CMC 16.53.040.B(4) provides that buffer areas which are functionally separated from a wetland by preexisting roads, structures, or vertical separation shall be excluded from buffers. There are no existing roads or structures in this area of the site. However the applicant proposed to develop a portion of the planned T-11 trail within proposed Tract A. As noted in Exhibit 84, this ten-foot wide paved trail will functionally isolate the portion of the wetland buffer on proposed Lot 39 from the remainder of the buffer and the wetland. Therefore, pursuant to CMC 16.53.040.B(4), this area should be excluded from the buffer and can be included in the area of proposed Lot 39. Condition 42 in the Staff Report should be modified to that effect.

a. The examiner understands the City's concerns about the visual impact of the large retaining wall proposed along the east boundary of Lot 39, facing the wetland, trail, and street. However those concerns are not relevant to protection of the wetland buffer. If anything, the retaining wall will provide additional protection of the wetland by providing significant vertical separation between the lot and the adjacent wetland. In addition, condition 40 in the Staff Report requires that the applicant stagger the retaining wall, providing a three-foot landscaped setback between each six-foot high section of wall, which will reduce the visual mass of the wall.

12. The examiner finds that the applicant should be required to create a separate tract for the stormwater access and inspection easement over proposed Lots 38 and 39.

a. The examiner finds that this access easement is a "private road" as defined by CMC 18.03.030: "'Private road' means a strip of land that provides access to a lot, tract or parcel. This road is privately maintained but is designed and installed per Table 17.19-1³ and with approval of the engineering manager."

b. The examiner finds that CMC Table 17.19.040-1 requires private roads be located in a "tract." This table lists specific "tract" and "pavement" widths for various types of private roads.

³ This should refer to CMC Table 17.19.040-1 Minimum Private Street Standards.

c. This requirement is not an exaction; the City is not taking the applicant's property or requiring the applicant to spend money for a public use. The stormwater access is a private facility that is needed solely to serve this site. The applicant will retain ownership of the tract. The City is merely requiring that the applicant separate the stormwater access from the abutting lots.

d. Excluding the stormwater access from proposed Lots 38 and 39 will not cause these lots to fall below the minimum lot area standards. As noted above, CMC 18.09.060.D authorizes the City to provide additional flexibility in lot sizes and other dimensional standards where a density transfer development includes one-half acre or more of contiguous open space. This development will provide substantially more than one-half acre of contiguous open space. Therefore the City agreed to allow proposed Lots 37 through 39 to comply with the R-12 density transfer dimensional standards. (Exhibit 82). CMC 18.09.040.B allow a minimum lot size of 8,400 square feet for R-12 density transfer lots. Deducting the 15-foot wide portion of the stormwater access from Lot 39 will reduce this lot to 9,435 square feet.⁴ Deducting the 5-foot wide portion of the stormwater access from Lot 38 will reduce this lot to 9,990 square feet.⁵ Therefore proposed Lots 38 and 39 will comply with the minimum lot size standard of the R-12 density transfer ordinance if the stormwater access is located in a separate tract.

13. The applicant proposed to combine Tract H with Tract A. Condition 42 in the Staff Report should be modified to that effect.

14. The examiner finds that the applicant should be required to provide fences separating the proposed lots from abutting wetlands and between the equestrian center and the Phase 1 lots prior to final occupancy approval of homes on the abutting lots.

a. The examiner finds that the Code does not require fences between the lots and the wetlands.

i. CMC 16.51.210.A requires the installation of temporary markers along "the outer perimeter of the management zones and/or critical areas..." prior to and during construction. After construction is completed, CMC 16.51.210.B requires the applicant replace the temporary markers with "[p]ermanent signs along the boundary of a critical area or management zone..."

ii. CMC 16.51.210.C provides, "Installation of a permanent fence at the edge of the habitat conservation area or management zone is required." However, unlike CMC 16.51.210.A and B, which apply to all critical areas or management zones, CMC 16.51.210.C is expressly limited to habitat conservation areas or management zones. There are no habitat conservation areas on the site. Therefore the fencing requirement of CMC 16.51.210.C is inapplicable. The applicant can only be required to install temporary and permanent signage as required by CMC 16.51.210.A and B.

iii. CMC 16.51.240.A authorizes the City to require that "identified critical areas and their associated buffer or management zones shall be protected and preserved through a permanent protective mechanism acceptable to the city."

⁴ 15 feet tract width x 111 lot length = 1,665 square feet of access tract on Lot 39. Deducting the 1,665 square foot tract from 11,100 square foot Lot 39 leaves 9,435 square feet of lot area.

⁵ 5 feet tract width x 111 lot length = 555 square feet of access tract on Lot 39. Deducting the 555 square foot tract from 10,545 square foot Lot 38 leaves 9,990 square feet of lot area.

However the listed protective mechanisms are limited to “[p]lacing the critical area and its associated buffer or management zone in a separate tract; executing a protective easement; or dedicating the critical area and its associated buffer or management zone to a public agency, or public or private land trust.” This section does not authorize the City to require fencing or similar barriers.

b. The examiner further finds that the Code does not require fences between the lots and the existing equestrian center.

i. CMC 17.19.030.C requires landscape buffer strips and/or solid fences where single-family residential lots are proposed adjacent to multiple-family, commercial or industrial land use districts. As noted in the Staff Report, the existing equestrian center in the northern portion of the site is considered to be a “nonconforming agricultural/ranching use” and classified as “A/R”. The applicant proposed to retain and continue to operate the equestrian center on the site until Phase 3 is developed. CMC 18.41.140.O provides, “Sounds, odors, activities, and conditions that are incidental to and a normal part of agricultural uses shall not be a cause for complaint, and shall not constitute a nuisance on land classified A/R under the relevant ordinances of the city.” Therefore the proposed equestrian center is likely to generate impacts similar to multiple-family, commercial or industrial land use development. However the A/R district is not listed in CMC 17.19.030.C. Therefore it does not authorize the City to require a fence in this case.

c. However the applicant agreed to provide temporary fencing in these locations prior to final plat approval and replace the temporary fencing with permanent fencing prior to final occupancy approval of homes on the abutting lots. (See Exhibit 83). Condition of approval 48 should be modified to that effect.

D. CONCLUSION

Based on the above findings and discussion, the examiner grants the SEPA appeal in part, and concludes that File# SUB17-02 (Dawson Ridge Subdivision) should be approved, because it does or can comply with the applicable standards of the Camas Municipal Code and the Revised Code of the State of Washington, subject to conditions of approval necessary to ensure the final plat and resulting development will comply with the Code.

E. DECISION

Based on the findings, discussion, and conclusions provided or incorporated herein and the public record in this case, the examiner hereby grants the SEPA appeal in part and approves FILE# SUB17-02, SEPA10-19 (Dawson Ridge Subdivision), subject to the following conditions of approval and revised SEPA conditions:

STANDARD CONDITIONS OF APPROVAL

1. Site improvement plans for street, water, sanitary sewer and stormwater improvements shall be prepared in accordance with Camas Design Standards Manual.
2. The plans shall be prepared by a licensed civil engineer in Washington State and submitted to the City for review and approval.
3. Regulations for installation of public improvements, improvement agreements, bonding, final platting, and final acceptance shall be found in CMC 17.21.

4. A 3% construction plan review and inspection fee shall be required for this development. The fee will be based on an engineer's estimate or construction bid. The specific estimate will be submitted to the City for review and approval. The fee will be paid prior to the construction plans being signed and released to the applicant. Under no circumstances will the applicant be allowed to begin construction prior to approval of the construction plans.
5. 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.
6. 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.
7. The applicant shall remove all temporary erosion prevention and sediment control measures from the site at completion of all site improvements, including stabilization of all disturbed soil, unless otherwise directed by the Public Works Director.
8. Final as-built construction drawing submittals shall meet the requirements of the Camas Design Standards Manual.

ENGINEERING DIVISION

9. The Applicant shall install a 6-foot wide pedestrian connection, located on Tract 'I' between Lots 8 and 9, to provide access to future development on lands to the south of the site.
10. The Applicant shall design and construct the public trail (T-11) located in Tract 'A' of this development, as required per the 2014 PROS Plan.
11. The T-11 trail shall, to the extent feasible, be a minimum of 10-feet in width and shall meet ADA guidelines.
12. The T-11 trail shall be located within Tract 'A' and shall remain outside the wetland buffer to the extent feasible.
13. The Applicant shall meet with the Parks and Recreation Development Review Ad-hoc Committee for review of the design and location of the T-11 east-west trail segment.
14. The Applicant shall provide easements for all water system facilities granting the City access for purposes of operations, maintenance and replacement.
15. Any irrigation meters proposed for the development shall be maintained by the HOA and provide acceptable backflow prevention devices.
16. The Applicant shall be required to follow the latest edition of Ecology's Stormwater Management Manual for Western Washington (SWMMWW) for stormwater treatment and detention, per CMC 14.02.
17. Stormwater Facility 'A', which is shown to be located within Phase 3 of the proposed development, shall be constructed at the same time as the Phase 1 improvements, because the majority of the Phase 1 improvements flow into Stormwater Facility 'A'.

18. The access roads to both facilities 'A' and 'B' shall be a minimum 15-feet in width on curves and 12-feet on straight sections, with a minimum 40-feet outside turning radius where applicable, and have a paved apron where access roads connect to surface roads.
19. Stormwater Facilities 'A' and 'B' shall be located each within their own Tracts and shall be owned and maintained by the Homeowners Association (HOA).
20. All aspects of the stormwater facilities, treatment vaults and manholes, underground detention, and outfalls shall have adequate access for inspections by the City.
21. The stormwater collection system serving the development, which is not located within the public right-of-way, shall be placed within private stormwater easement and shall be maintained by the homeowners association (HOA).
22. The development shall comply with CMC 17.21.030 for any land disturbing activity. The applicant shall submit an erosion prevention/sediment control and plan for any land disturbing activity that disturbs an acre or more or adds 5000 square feet or more of impervious surface. The applicant shall be required to furnish to the City an approved form of security (e.g. Erosion Control Bond). The security is to be in the amount of 200% of the engineer's estimated cost of the erosion prevention/sediment control measures, including associated labor.
23. The applicant shall be required to provide a sewer basin analysis to confirm that the Brady Road Sewer pump station and all downstream system components have adequate capacity for the proposed development. In the event the pump station or any downstream system components are not adequately sized, the Applicant shall be conditioned to make any necessary improvements or upgrades to serve the proposed development.
24. The Applicant shall provide easements for all sewer system facilities and grant access to the City for purposes of operations, maintenance and replacement.
25. Any existing water wells, septic tanks, or septic drain fields on-site shall be properly abandoned in accordance with State and County guidelines prior to final plat approval for the particular phase that the well may be located in. Additionally, any water rights associated with any abandoned wells shall be transferred to the City.
26. The Applicant shall construct the segment of the T-11 Trail through the proposed development, connecting NW Brady Road to the proposed NW Sacajawea Street, on the east side of the development. The T-11 Trail shall, to the extent feasible, be a minimum of 10-feet in width and shall meet ADA guidelines. A public access easement must be provided over the T-11 trail.
27. The Applicant shall provide a safety enhanced pedestrian crossing at the intersection of NW Sacajawea Circle and NW McIntosh Road that includes striping, pedestrian signage, and rapid flash beacons or a City approved equivalent.
28. The Applicant shall provide a safety enhanced pedestrian crossing at the intersection of NW Brady Road & NW McIntosh Road that includes signing, striping, and a pedestrian refuge island.

29. The Applicant shall widen the existing sidewalk on the north side of NW McIntosh Road between NW Sacajawea Street and NW Brady Road such that the sidewalk is a minimum of 8-feet in width, provided that in the area where street trees are established, namely the frontage of Hidden Leaf Subdivision, the applicant shall widen the sidewalk from 5-feet to the maximum extent possible without eliminating the established street trees or encroaching onto the Hidden Leaf Subdivision.
30. The Applicant shall provide 11-foot wide left turn lanes and travel lanes on NW McIntosh Road with a 4-foot wide eastbound bike lane as shown on the drawing labeled "McIntosh Road Improvements" from Olson Engineering dated October 2017. The applicant shall install a curb on the south side of NW McIntosh Road with a 1.5-foot minimum width shoulder on the south side of the south curb line.
31. The Applicant shall post 'No Parking' signs on one side of all roads within the development.
32. The Applicant shall conduct a street lighting analysis, in accordance with the Camas Design Standards for Street Lighting, to determine if the existing street lighting along the north side of NW McIntosh Road is adequate for an arterial roadway.
33. The Applicant shall be required to design and install any lighting improvements, identified in the street lighting analysis, in accordance with the Design Standards for Street Lighting as outlined in the Camas Design Standards Manual (CDSM).
34. Prior to final engineering plan approval for any phase the applicant shall submit an acceptable landscaping plan that details the location, number, plant species proposed, planting notes and associated details.
35. The Applicant shall ensure that the CC&R's clearly state that the HOA is responsible for the maintenance of the stormwater system in its entirety which is located within the Tracts and easements.
36. The Applicant shall ensure that the CC&R's clearly state that the City shall have right-of-entry access for purposes of inspection of all stormwater facilities.

PLANNING DIVISION

37. Prior to final plat approval of any phase, the applicant shall ensure that permanent access is provided to Parcels adjacent to the development (127167-000, 127168-000, 127169-000, 127170-000, 127171-000, and 127162-003). The provisions will be recorded on the face of the plat, which could include providing an easement over the private road; or relocating the private gate so as to not block access to adjacent parcels (near Lots 19 and 31); or by annexing the lots into the new development.
38. Three (3) phases are approved with this decision. Lots must be numbered consecutively within each phase. Other modifications to the phasing plan (aside from numbering) will require approval of a modification pursuant to CMC§ 18.55.270-Plat amendments and plat alterations.
39. The applicant shall place the stormwater facilities in separate tracts from critical areas, and provide fencing between the stormwater facilities and any abutting critical areas. Fencing shall be installed as part of the construction of the facility.

40. Retaining walls shall not exceed six feet in height along the side and rear property lines. If taller retaining walls are necessary and unavoidable, then they must be setback at least three feet for every additional retaining wall of up to six feet in height. The terraced three-foot setback area must be landscaped and planted. Retaining walls over 42-inches are not allowed at the front property lines, unless they are terraced and setback at least three feet for every additional three feet in height.
41. The access tract to the stormwater facility (Facility B) shall be paved in accordance with the Camas Design Standards Manual and placed in a tract CMC§ 17.19.030(D)(5)(d), not in an easement.
42. Tract H shall be eliminated and combined with the adjacent open space, Tract A.
43. The stormwater access between Lots 38 and 39 shall be located in a separate tract.
44. The applicant shall revise the preliminary plat to ensure that side lot lines are at right angles to the street (or radial to a curve) as practical per CMC§ 17.19.030 (D)(2 and 3).
45. The lot widths of pie-shaped lots (e.g. Lots 4, 7, 8, 9, and 10) must be adjusted to achieve the minimum lot width of 80-feet, from a point that is at least 20 feet from the front lot line, or the front setback line must be revised and established at the point at which a lot width of 80-feet is achieved. Meaning that the front setback of pie-shaped lots would be greater than the minimum of the zone.
46. The applicant shall provide a minimum of one street tree per lot, and it must be located within the planter strip at the front of each lot. If additional street trees are included within the development, they must be noted on the final construction plans.
47. Sales Offices: A single sales office in a model home for purposes of selling lots within the development may be located within each phase, and remain until 50% of lots are sold in that phase or two years after Certificate of Occupancy is issued for the model home or trailer, whichever is less. After such time, the sales office in the home or the trailer must be removed. If a sales office is proposed in a trailer, then a site plan must be approved by the City which includes five-foot depth of landscaping along the street frontage and base of trailer, and off-street parking per CMC 18.11 Parking.
48. Signs shall be posted and maintained along critical area buffers at an interval of one (1) per lot and shall read substantially as follows: "Conservation Area - Retain in a natural state."
49. Continuous fencing must be located along lot lines that are adjacent to critical areas (including buffers), and installed prior to final occupancy approval of homes on the abutting lots.
50. Wetlands, streams and associated buffers shall be clearly marked on the final plat, consistent with CMC§ 17.01.050.
51. Trees retained within open space areas must be managed to ensure the long-term health of the trees. Tree topping will not be permitted, nor removal of more

than 20 percent of a tree's canopy. If tree removal is necessary due to a potential hazard to people or property, then replanting is required. A note to this effect shall be added to the plat.

52. Prior to final occupancy approval of Lots 28, 29 and 30, a solid, site obscuring fence and landscaping will be installed between the equestrian center and lots. This fencing may be removed after the A/R use (the equestrian center) is discontinued. Until such time, the Dawson Ridge HOA will be responsible for maintenance of the fence and an easement note for such maintenance will be included on the plat.
53. A Final Mitigation Plan consistent with CMC§ 16.53.050(E) (3) shall be submitted prior to final engineering approval. The final plan will include (at a minimum) detailed construction plans, maintenance, monitoring, and contingency plans.
 - a. Financial assurances for mitigation must be submitted and approved in accordance with of CMC§ 16.51.180 (D) and CMC§ 16.53.050(J) prior to earth disturbing activities.
 - b. Proof of purchase of mitigation bank credits from the Columbia River Mitigation Bank must be submitted prior to final engineering approval.
54. The location of the public trails shall be labeled on the final plat, and signs shall be installed at both ends to inform the public of their right to access the trails.
55. Prior to final plat approval of any phase, the applicant shall provide a copy of the private covenants intended to be recorded with the plat, which will include provisions for maintenance of all required improvements, such as storm or sewage facilities, open space areas, access tracts, and private parking enforcement provisions.

FIRE DEPARTMENT

56. Permit required with the Fire Marshal's Office and Engineering Department for the privacy gate pursuant to CMC Chapter 12.36.
57. Prior to construction plan approval, provide a plan to the Fire Marshal's Office for private street emergency access obstructions per CMC, 17.19.040.A.9.
58. Street signs will include hundred block designations.
59. The location of emergency turnarounds must be approved by the Fire Marshal prior to construction plan approval.
60. The location of "No Parking" signs must be inspected for compliance prior to final acceptance of subdivision improvements.
61. Private Hydrants shall be ordered in RED from the manufacturer.
62. The applicant shall contact the Fire Marshall's Office for witnessed hydrant flushing on all hydrants. Contact information for the Fire Marshall is 360-834-6191 or FMO@cityofcamas.us for inspections or submittal questions.

FINAL PLAT NOTES

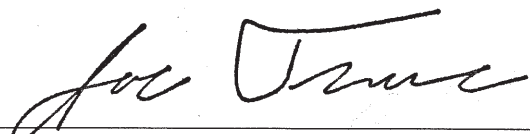
1. A homeowners association (HOA) will be required for this development. Copies of the C.C. & R's shall be submitted and on file with the City of Camas. The CC & R's must allow the development of Accessory Dwelling Units (ADUs).
2. Building permits will not be issued by the Building Department until all subdivision improvements are completed and the City has issued Final Acceptance.
3. For lots adjacent to steep slopes, the Geotechnical Engineer of Record must perform a lot specific geotechnical evaluation, which will be submitted with the building permit application.
4. Maximum building lot coverage for this subdivision is 35%.
5. Lots 37, 38, and 39 are subject to the R-12 density transfer dimensional standards, CMC 18.09.040.B.
6. Low Flow Life Safety Residential Fire Sprinklers (NFPA 13D) required in all new dwellings.
7. The lots in this subdivision are subject to traffic impact fees, school impact fees, fire impact fees and park/open space impact fees. Each new dwelling will be subject to the payment of appropriate impact fees at the time of building permit issuance.
8. Within identified tracts, steep sloped areas, wetlands, streams and associated buffers shall be maintained in their natural state as described in the final mitigation plans.
9. Tree topping is not permitted, nor removal of more than 20 percent of a tree's canopy. Trees that a licensed arborist determines to be hazardous may be removed, after approval by the City. Removal of hazard trees, and required street trees shall be promptly replaced and maintained.
10. [Note for Phases 1 and 2] The sounds, odors, activities, and conditions that are incidental to and a normal part of the equestrian center shall not be a cause for complaint, and shall not constitute a nuisance (CMC§18.41.140-O).

SEPA CONDITIONS

1. The applicant shall place the geologic hazard areas in a tract for protection and preservation, as allowed per CMC§16.51.240.
 - a. The geotechnical management setback areas may be included in Lots 8, 9, 31, 32, and 33, subject to recorded easements approved by the City and enforceable by the Dawson Ridge HOA restricting use of the geotechnical management setback areas on these lots to fencing, landscaping, and patios. Any future changes to the easement language will require City approval, based on additional geotechnical reports that support other uses.
 - b. The geotechnical management setback areas shall be excluded from Lots 10 and 34 and located in the geologic hazard area tract.
2. The applicant shall provide a copy to the city of the recorded conservation covenant over the tracts and reference to the recording number shall be added to the final plat.

3. The Geotechnical Engineer of Record (PBS) must evaluate the final grading plan and its impacts on slopes and the underlying soils. This review must be submitted for approval with site construction plans, prior to engineering plan approval (*Refer to PBS Recommendations on page 7, Geotechnical Engineering Report*).
4. The applicant shall retain the Geotechnical Engineer of Record (PBS) to provide geotechnical special inspections during construction and a final summary report on the subdivision infrastructure construction (i.e. roads, underground utilities, initial lot grading, etc.) that confirms compliance with their geotechnical engineering report.
5. For lots adjacent to steep slopes, the Geotechnical Engineer of Record must perform a lot specific geotechnical evaluation, which will be submitted with the building permit application.
6. Surface water must be collected and routed away from the slopes of the geohazard areas.
7. Temporary construction fencing shall be installed around the geohazard setback prior to earthwork.
8. No fill or ground disturbance within the identified geohazard and setback area shall occur, except as necessary for the construction of fencing, landscaping, and patios allowed in the geotechnical management setback areas included in Lots 8, 9, 31, 32, and 33.
9. Prior to final acceptance of site improvements, permanent continuous fencing and signage will be installed along the geologic hazard area tracts to separate the tracts from adjacent lots. The signs will include text provided by the City.
10. Clearing and grading including utility and road construction activities shall be allowed only from May 1st to October 1st of each year. The City may extend or shorten the dry season on a case-by-case basis depending on actual weather conditions.
11. Aside from those trees approved for removal within the applicant's tree report, all significant trees and native vegetation within the required geologic hazard area tracts shall be retained. Significant trees include evergreen trees eight inches in dbh, and deciduous trees, other than red alder or cottonwood, twelve inches in dbh, measured 4.5 feet above the ground measured from the uphill side.
12. Temporary construction fencing shall be provided around the drip line of any significant trees to be retained that are immediately adjacent to the site improvements. The temporary fencing shall be in place prior to any earthwork activities and remain in place until final acceptance of site improvements.
13. Final grading and site plans shall include the location of significant trees adjacent to site improvements and shall be consistent with the intent to retain these significant trees. Removal of significant trees shall only be authorized upon review and recommendation of a qualified biologist.
14. A homeowners association (HOA) will be required for this development. Copies of the C.C. & R's shall be submitted and on file with the City of Camas. The CC & R's must allow the development of Accessory Dwelling Units (ADUs).

DATED this 19th day of January 2018.



Joe Turner, AICP
City of Camas Land Use Hearing Examiner