

NOTICE OF DECISION

GREEN MOUNTAIN PLANNED RESIDENTIAL DEVELOPMENT PHASE 3

Decision Issued: March 23rd, 2018

City Contact: Robert Maul, Planning Manager
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LOCATION: Phase 3 is located towards the northern end of the overall project area (Parcel numbers 171727-000, 172341-000, 171704-000).

APPLICANT: Green Mountain Land, LLC
17933 NW Evergreen Parkway, Suite 300
Beaverton, OR 97006

THIS IS TO SERVE AS NOTICE that a decision of **APPROVAL** has been rendered for the consolidated permit application for the Green Mountain PRD Phase 3 (City file #SUB17-03) to build 159 residential lots in phase 3 of the overall approved master plan.

The decision includes conditions of approval, which are included at the end of the Final Order of the city's hearings examiner. The Final Order and all application materials are also available at City Hall.

RECONSIDERATION (Refer to 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, filed with the city clerk, to be accompanied by an appeal fee, for reconsideration by the examiner.

A. Time Frame. The request for reconsideration shall be filed **within fourteen (14) 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.

JUDICIAL APPEALS (Refer to CMC§ 18.55.240)

The city's final decision on an application may be appealed by a party of record with standing to file a land use petition in Clark County superior court. Such petition must be filed within twenty-one days after issuance of the decision, as provided in Chapter 36.70C RCW.

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

Regarding an application by Green Mountain Land, LLC) **FINAL ORDER**
for approval of a preliminary plat to divide 115-acres into) **File Nos.**
159 single-family lots, east of NE Ingle Road between) **SUB17-03 & SEPA 18-01**
NE 48th Circle and NE Goodwin Road in the City of Camas) **(Green Mountain Phase 3)**

A. SUMMARY

1. The applicant, Green Mountain Land, LLC, received master plan approval for a planned residential development (PRD) and preliminary plat approval for the first phase of the Green Mountain area on August 3rd, 2015 (SUB14-02).

a. The PRD proposal included 1,300 single and multi-family residential units, 8.8 acres of commercial/retail/office buildings, common open spaces, parks, trails, landscaping, associated parking lots, access roads, stormwater and detention facilities, utilities and other related infrastructure improvements. The master plan created development areas (“aka pods”) with designated residential densities. The PRD was approved for development in multiple phases, with subsequent preliminary plat approval processes for each phase. The entire project is located northeast of the intersection NE Goodwin and Ingle Roads in Camas, Washington and is comprised of nine tax parcels: 172555-000, 171727-000, 171704-000, 172341-000 zoned (R-10); 172557-000 and 172553-000 zoned (MF-10); 173178-000 and 173165-000 zoned (R-6) and 172559-000 zoned (CC); and further described as Sections 17, 20 and 21, Township 2 North, Range 3 East of the Willamette Meridian, Camas Washington (the “PRD site”).

b. The top of Green Mountain, including its western and southern slopes, stands at the northeast corner of the PRD site. The northern portion of the PRD site is generally forested with moderate to steep slopes and contains multiple terraces and rock outcroppings. The southern section contains numerous wetlands, man-made ponds and ditches, a tributary creek with an adjoining oak grove and a gas transmission line. A BPA power line traverses the entire property. The Mountain Glenn subdivision, a rural cluster subdivision developed with single-family residences, abuts the northwest boundary of the PRD site and the west portion of the north boundary of Phase 3.

2. This application is for Phase 3 of the overall master plan. Phase 3 is comprised of a total of 115 acres located in the northwest corner of the overall project area, Parcel numbers 171727-000, 172341-000, and 171704-000 (the “Phase 3 site”). The applicant proposed to develop Phase 3 into 159 lots for detached residential units in seven (7) sub-phases. The Phase 3 site includes two wetlands and associated buffers that will be protected in proposed Tracts G and L, a large Stormwater facility located next to Ingle Road, public trails laced throughout, and several parking pads required for reduced lot widths.

a. The Phase 3 site, parcels abutting the south boundary of Phase 3, and the parcel in the northwest corner of Phase 3 are all zoned City of Camas R-10 (Single

Family Residential, 10,000 square foot average lot size). Properties abutting the western portion of the north boundary of the Phase 3 site (the Mountain Glenn subdivision) are outside of the Urban Growth Area (the “UGA”) and zoned Clark County R-10 (Rural, 10-acre minimum lot size). Properties abutting the northeast and east boundaries of the Phase 3 site are also outside of the UGA and zoned Clark County FR-40 (Forest, 40-acre minimum lot size). The parcel abutting NE Ingle Road near the southwest corner of the Phase 3 site is zoned City of Camas R-15 (Single Family Residential, 15,000 square foot average lot size). Lands to the west of the Phase 3 site, across NE Ingle Road, are zoned City of Camas CC (Community Commercial) to the north and south, and City of Camas R-15 between the two CC zones.

b. 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, treat and detain it in a large wet pond in proposed Tract B, and discharge it at less than predevelopment rates to an existing culvert that flows underneath NE Ingle Road.

c. The applicant will dedicate right-of-way and construct frontage improvements along the section of NE Ingle Road abutting the Phase 3 site. The applicant proposed to extend a new public street (proposed “Public Road A”) into the Phase 3 site from NE Ingle Road, extending east through the BPA powerline easement, curving south to access the proposed lots, then north following the existing topographic contours, and terminating in a temporary cul-de-sac abutting the north boundary of the site. The applicant proposed to extend additional public and private streets from proposed Public Road A to provide access to the proposed lots within the Phase 3 site. All of the proposed roads will terminate in cul-de-sac or hammerhead turnarounds within the site. In addition, the applicant proposed to extend public trails throughout the open space areas of the site, connecting with existing and planned trails on the PRD site and abutting properties to the east.

3. The City issued a Mitigated Determination of Nonsignificance (“MDNS”) for the Phase 3 subdivision pursuant to the State Environmental Policy Act (“SEPA”) on January 25, 2018. The SEPA determination was not appealed and is now final.

4. 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 March 5, 2018 (the “Staff Report”), as amended at the hearing. The applicant accepted those findings and conditions, as amended, with certain exception. Six persons testified orally with questions and concerns about the application. Contested issues in the case include:

a. Whether the City provided adequate notice of the SEPA threshold determination for this phase of the PRD;

b. Whether the applicant can be required to construct a wall or similar barrier to buffer abutting residents from noise and headlight glare generated by vehicles operating on proposed Public Road A; and

c. Whether the proposed intersection of Public Road A and NE Ingle Road will operate safely;

d. Whether a roundabout should be constructed at the intersection of NE 58th Street (SR 500) and NE 199th Avenue;

e. Whether the applicant is required to install fencing along the boundaries of the Phase 3 site in order to protect the privacy of existing off-site residents and limit opportunities for trespass on abutting properties; and

f. Whether the applicant can be required to provide larger lots on the perimeter of the Phase 3 site.

5. Based on the findings provided or incorporated herein, the examiner approves the preliminary plat subject to the conditions at the end of this final order.

B. HEARING AND RECORD HIGHLIGHTS

1. The examiner received testimony at a public hearing about this application on March 8, 2018. All exhibits and records of testimony are filed at the City of Camas. At the beginning of the hearing, the examiner described how the hearing would be conducted and how interested persons could participate. The examiner disclaimed any *ex parte* contacts, bias or conflicts of interest. The following is a summary by the examiner of selected testimony and evidence offered at the public hearing.

2. City Planning Manager Robert Maul summarized the Staff Report.

a. He noted that the City approved a master plan for the PRD site in August 2015. The approved master plan provides for development of the PRD site with 1300 residential units at a variety of densities and lot sizes, commercial uses, parks, open spaces and trails.

b. The Mountain Glen subdivision, a Clark County approved cluster subdivision, abuts the western portion of the north boundary of Phase 3. The applicant proposed to extend Public Road A east from NE Ingle Road, within the BPA easement abutting the Mountain Glen subdivision, before turning the road south into the developable portion of the site. All of the 159 lots within Phase 3 will utilize Road A for access. Residents of the Mountain Glen subdivision expressed concerns that noise and headlight glare from vehicles using this roadway will impact their properties and homes.

c. Neighbors also expressed concerns with sight distance at the proposed Road A intersection with NE Ingle Road, due to horizontal and vertical curves and traffic speed on this section of NE Ingle Road.

d. Clark Public Utilities (“CPU”) currently provides water service to the Mountain Glen subdivision from an existing well and pump station on the Phase 3 site.

The applicant will remove the existing pump station and extend a City of Camas water main through the Phase 3 site to the Mountain Glen subdivision, creating a looped water system within the Mountain Glen and Green Mountain Phase 3 developments.

e. Neighboring residents argued that the applicant should be required to provide a fence along the north boundary of the Phase 3 site to prevent residents of the site from trespassing onto their properties.

f. Mr. Maul noted that Bill Huyette owns Lot 12 of the Mountain Glen subdivision, a 34-acre remainder lot abutting the north boundary of the site. Mr. Huyette expressed concern with the proposal to locate smaller urban size lots abutting his large rural lot. However, the Code does not require larger lots on the boundaries of subdivisions abutting the UGB. The size difference between urban and rural lots is too great to provide a reasonable lot size transition.

g. He noted that Mr. Huyette also requested the applicant shift the terminus of proposed Road A to the south, away from the south boundary of his property, so the road does not encourage trespass onto his property. The City is agreeable to this proposal, provided the right-of-way and road design allow for the future extension of Road A when and if Mr. Huyette's property is annexed and redeveloped in the future.

h. Mr. Maul requested the examiner modify the proposed conditions of approval in the Staff Report as set out in his March 8, 2016 memo, Exhibit 56.

i. Proposed Plat Note 10 should be modified to delete the requirement for a six-foot fence on the boundary of lots abutting the critical area tracts. CMC 16.51.210.C(2) requires a minimum 42-inch high vinyl-coated chain link, wooden split rail, or similar fence approved by the City that clearly demarcates the boundary of the critical area tracts.

j. Anderson Dairy is located across NE Ingle Road from the southeast corner of the Phase 3 site. The Dairy's representative expressed concerns with the applicant's proposal to discharge stormwater under NE Ingle Road and onto the Dairy's property. There is no existing culvert in this area. Therefore, the applicant submitted a revised stormwater outfall plan, Exhibit 50, proposing to discharge stormwater to the existing culvert beneath NE Ingle Road located further to the east. The existing culvert discharges into a wetland on property owned by the Washington State Department of Natural Resources (DNR) on the south side of NE Ingle Road. The applicant proposed to modify the existing ditch on the north side of NE Ingle Road or install a pipe between the on-site stormwater facility and the existing culvert to transport treated stormwater runoff from the site to the culvert.

k. Traffic from this development is projected to cause the NE 58th Street (SR 500)/SE 199th Avenue intersection to operate at Level Of Service ("LOS") D. This intersection is subject to the jurisdiction of the Washington Department of Transportation ("WSDOT"), which requires a minimum LOS C for rural intersections that are not Highways of Statewide Significance ("HSS"). WSDOT intends to modify this

intersection to a single-lane roundabout, which will improve the LOS to acceptable levels. However, the existing right-of-way is inadequate to allow construction of a roundabout at this time. Therefore, as discussed in Exhibit 51, WSDOT required the applicant pay a fee in lieu of constructing improvements at this intersection. This is required by proposed condition 24.

l. The applicant proposed to phase trail construction on the site. The applicant will construct individual trails as part of each development phase.

m. Condition 21 duplicates condition 18 and should be deleted.

n. He requested the examiner add a plat note limiting development within the geotechnical setback areas of individual lots.

o. The City created an expanded notice area for this phase of the development and mailed the SEPA threshold determination to the owners of properties located within 1,000 feet of the boundaries of the site, including the owners of all lots within the Mountain Glen subdivision, Exhibit 47. The City mailed and published the SEPA determination and original hearing notice on January 25, 2018. The SEPA comment period expired on February 8, 2018.

3. Attorney Randy Printz testified on behalf of the applicant. He summarized the history of the development, including the pre-annexation agreement and development agreements, which approved a master plan for development on this site. The master plan includes dimensional standards, minimum density, and tree preservation requirements for each development "pod." The intent of the master plan was to preserve views of Green Mountain. Therefore, the master plan provides higher density and commercial development in the lower elevation areas of the site and lower density residential development at higher elevations. The applicant completed a traffic analysis based on full buildout of the PRD site, which was included as part of the development agreement.

a. The proposed development will not alter existing off-site stormwater flows. Under existing conditions, a small portion of the Phase 3 site drains to the north and contributes to the hydrology of offsite surface water features in or near the Mountain Glen subdivision. The applicant will not change this existing drainage; the same amount of stormwater will continue to flow north in the same location after the development is completed. The remainder of the Phase 3 site drains to the south, following the existing topography to the ditch on the north side of NE Ingle Road. The ditch then transports the water southeast to an existing culvert beneath NE Ingle Road, which discharges to a wetland on state owned property south of the road. The applicant will replicate this existing condition, capturing runoff from impervious areas on the site and directing it to the stormwater facility in proposed Tract B for treatment and detention. The stormwater facility will release treated stormwater to the existing culvert at less than predevelopment rates.

b. Traffic from this development will not exceed the capacity of area streets or create a hazard.

i. The applicant will install a traffic signal at the intersection of NE Ingle and Goodwin Roads;

ii. The applicant will pay a proportionate share of the cost of the planned roundabout at the intersection of NE 199th Avenue and NE 58th Street (SR 500). The applicant could mitigate the impacts of this development by constructing an eastbound to southbound right turn lane on NE 58th Street (SR 500). However, WSDOT would prefer a roundabout; and

iii. The applicant will extend a new public street, proposed Public Road A, into the Phase 3 site from NE Ingle Road.

(A) A northbound right turn lane is not warranted at the Public Road A/NE Ingle Road intersection. Northbound traffic making a right turn into the site will not cause delays or create vehicle queues.

(B) The applicant will provide a 100-foot long southbound left turn lane at this intersection, even though the intersection will not meet turn lane warrants. The turn lane will allow vehicles waiting to turn left into the site to move out of the southbound through lane, allowing southbound traffic to continue without interruption. The proposed turn lane will provide sufficient capacity to accommodate a four-vehicle queue, although the average queue will not exceed one vehicle.

(C) The accident history on this section of NE Ingle Road is very low, based on WSDOT accident records.

(D) The applicant will clear existing vegetation near the intersection to provide more than adequate sight distance for all vehicles using this intersection, based on the current posted speed limits. He submitted a survey demonstrating that sight distance requirements will be met or exceeded at the proposed intersection of Public Road A and NE Ingle Road/199th Avenue, Exhibit 60. The City plans to reduce the posted speed limit to 40 mph on the section of NE Ingle Road within the City. The applicant supports reducing the speed limit on the entire section of NE Ingle Road/199th Avenue to 40 mph, but it is up to Clark County to change the posted speed on the section of roadway within the County.

c. There is no need for a fence or wall to buffer residents of the Mountain Glen subdivision from traffic on the proposed street. Vehicles operating on Public Road A may be audible to Mountain Glen residents, but they will not cause significant adverse impacts. The homes on the abutting lots are setback 120 feet or more from the north edge of the proposed road and there is significant dense vegetation between the home and the road, which will screen and buffer the homes from traffic on the proposed roadway. Exhibits 58 and 59. The Code does not require a wall or other screening between the road and abutting homes and the SEPA appeal period has expired. Therefore, the examiner has no authority to require screening and buffering. Traffic noise is exempt from state noise

regulations. The City has no plan, policy, or regulation that could serve as the basis for a SEPA condition requiring a wall to buffer adjacent properties.

d. He noted a typographical error on p 13 of the Staff Report. The first paragraph should refer to “2029 total traffic conditions...” rather than 2019.

e. The applicant will provide a fence on the boundary of the critical area tracts as required by modified Plat Note 10. He requested the examiner modify the conditions to delay the fence on proposed Lots 109-112 until Phase 3D is developed. The applicant is willing to provide a temporary fence or other demarcation approved by the City on the rear of these lots during construction of Phase 3A and replace it with a permanent fence when Phase 3D is constructed.

f. The City issued four separate SEPA checklists and threshold determinations for this development project; for the Development Agreement, the Master Plan/Phase 1, Phase 2, and Phase 3. The Phase 3 SEPA included the proposed access road. The road alignment has not changed since the SEPA was issued.

g. The applicant is willing to terminate the Public Road A improvements short of the north boundary of the site as requested by Mr. Huyette. The applicant will dedicate right-of-way to the north boundary of the site to allow for further extension of this road in the future and construct driveways within the right-of-way to provide access to proposed Lots 108 and 109.

4. William Huyette testified that he owns Lot 12 of the Mountain Glen subdivision. The 2,000-foot long south boundary of his 32-acre parcel abuts the north boundary of the Phase 3 site.

a. The residents of the Mountain Glen subdivision had no opportunity to review and comment on the location and design of proposed Public Road A. This road was not shown or discussed in the prior PRD approval, although it is the most logical location for access to this portion of the site. Therefore, the neighbors did not submit comments about the potential impacts of the roadway near their homes. The residents were unaware of the SEPA review for this phase of the development. Section B.7.b of the applicant’s SEPA checklist addresses noise, but fails to mention the impact of traffic noise on abutting residents. The grade of the road going up the hill will exacerbate the impact of traffic on this road. Vehicle engines will generate more noise as drivers accelerate up the hill. The curvilinear design of the east-west section of the road will also cause vehicle headlights to shine into the homes on Lots 5 through 10 of the Mountain Glen subdivision from traffic going both directions on this road.

b. He objected to the proposed roundabout at the NE 199th Avenue/NE 58th Street (SR 500) intersection. Although roundabouts may be effective in residential neighborhoods, they impede traffic and increase delays elsewhere. Many jurisdictions have removed roundabouts to relieve congestion.

c. The applicant should be required to install a fence on the north boundary of the site to preclude residents of this development from trespassing on his property. Portions of the proposed on-site trail system will follow historic skid roads on the site and those skid roads continue onto his property. Therefore, the trail is likely to encourage residents to trespass.

d. He requested the applicant shift the cul-de-sac at the north end of proposed Public Road A to the south, away from his property line, and provide driveway access to proposed Lots 108 and 109. As currently proposed, Public Road A terminates at his north boundary, abutting his blueberry field, which will encourage trespass.

e. The applicant should be required to provide larger lots adjacent to his property to create a transition between his large rural property and the smaller urban lots on this site.

5. Joe Durbin testified that there have been several accidents on NE Ingle Road near the proposed Public Road A intersection. Neighbors refer to that area as “dead man’s curve.” Two of the nine residents of the Mountain Glen neighborhood have had accidents there. The posted speed limit on NE 199th Avenue/NE Ingle Road changes from 50 to 40 mph approximately 100 feet north of the proposed intersection, which is located on a “blind” corner. He encourages the City to reduce the speed limit to 40 mph on the entire length of NE 199th Avenue/NE Ingle Road.

6. Paul Freeman questioned whether the City plans to straighten the curve in NE 199th Avenue/NE Ingle Road. There have been several accidents at that location. In the alternative, the City could install small bumps or pavement cuts to slow traffic approaching the curve.

7. Jeff Seifert testified on behalf of himself and his wife, Trish Seifert. They recently purchased Lot 8 of the Mountain Glen subdivision. They were unaware of the proposed development when they purchased their home. Proposed Public Road A will be very close to the south boundary of their lot and 40 to 50 feet higher than their house. The higher elevation of the road will increase the impact of traffic noise and headlights on their home. Traffic on NE 199th Avenue/NE Ingle Road is worse than it appears from the applicant’s traffic analysis. Many drivers speed on this section of NE 199th Avenue/NE Ingle Road and pass slower vehicles despite the double yellow centerline.

8. Susanne Hall objected to the alignment of proposed Public Road A. She owns Lot 9 of the Mountain Glen subdivision and the road design will locate traffic and associated noise and headlight glare very near the south boundary of her property. The proposed development will generate hundreds of vehicle trips per day on this road. The applicant conceded that traffic noise will be audible on her property.

9. City Engineer James Carothers testified that the City has no plans to straighten the curve in NE 199th Avenue/NE Ingle Road. This development will widen the section of road abutting the site, which will reduce the radius of the curve to some extent. The City intends to reduce the posted speed limit on the section of road within the City to 40 mph,

between NE Goodwin Road and the city limits. The City has no authority to reduce the posted speed limit on the section of road in the County, between the City limits and NE 58th Street (SR 500).

10. Ryan Seekins appeared on behalf of Anderson Dairy and testified that the applicant's revised drainage plan addresses the Dairy's concerns.

11. The examiner closed the record at the end of the public hearing and announced his intention to approve the application subject to the conditions of approval in the Staff Report, as modified at the hearing. The examiner took under advisement the issue of whether the applicant can be required to mitigate the impacts of traffic on proposed Public Road A.

C. DISCUSSION

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

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

3. The examiner finds that the City provided adequate notice of the SEPA threshold determination. The City mailed the SEPA determination to the owners of properties located within 1,000 feet of the boundaries of the site, well beyond the 300 feet required by CMC 18.55.165.A. (Exhibit 47). The City also published the SEPA determination in the newspaper as allowed by CMC 18.55.170 and 18.55.150.D. The Code does not require that mailed notice be received by the owners. Multiple forms of notice are required, in part, to provide a measure of overlap, so that if notice in one form is not effective (e.g., when a mailed notice is not received), another form of notice will be effective (e.g., published notice). The City published and mailed its SEPA threshold determination on January 25, 2018. The SEPA comment period ended on February 8, 2018. The City's SEPA threshold determination was not appealed and is now final. Therefore, the examiner has no authority to consider potential impacts of this development or impose additional conditions of approval on the basis of SEPA.

4. Proposed Public Road A will locate vehicular traffic near the boundaries of lots within the Mountain Glen subdivision. Vehicles operating on the proposed road will generate noise, headlight glare, and other impacts that will be detectable on adjacent properties. However, the Code does not prohibit such impacts. To the contrary, they are an inevitable consequence of development in the urban area.

a. Although traffic impacts may be detectable offsite, those impacts will not be significant. As proposed, Public Road A will be located 124 feet or more from the nearest homes and screened by dense vegetation in the rear yards of the abutting lots, which will screen and buffer adjacent homes from traffic on the proposed road. NE Ingle Road is located closer to homes on the western lots of the Mountain Glen subdivision than proposed Public Road A will be from the nearest homes. See Exhibits 58 and 59. NE Ingle Road carries substantially higher traffic volumes than proposed Public Road A, yet there is no evidence that traffic on that existing road causes significant adverse impacts on nearby homes. The examiner understands that this development will change the existing condition for some residents by locating a new road near existing homes that are currently buffered from traffic on NE Ingle Road. Residents of those homes have enjoyed a relatively quiet and isolated existence given their location abutting the Camas UGA. However, such impacts were foreseeable. This site has been located within the City of Camas and zoned for residential development for several years. The City approved a Master Plan for the site in 2015, which expressly included residential development in this area of the site.

5. The examiner finds that the proposed intersection of Public Road A and NE Ingle Road will operate safely, based on the expert testimony of the engineers for the City and the applicant. There is no substantial evidence to the contrary. Neighbors' observations of existing traffic is substantial evidence. But their opinions that traffic from the proposed subdivision will make 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.

a. Sight distance at the proposed intersection will meet or exceed City standards. See Exhibit 60. Drivers waiting to turn onto NE Ingle Road from Public Road A will have an unobstructed view of NE Ingle Road, allowing them see approaching vehicles and anticipate and avoid potential collisions as they make their turn.

b. The applicant will construct a southbound left turn pocket on NE Ingle Road, which will allow drivers waiting to turn left from NE Ingle Road onto Public Road A to move out of the southbound traffic lane and allow through traffic to continue. In addition, the applicant proposed to install, subject to City approval, speed reduction pavement markings to warn drivers of the approaching intersection. This intersection will operate at LOS B or better. See Exhibit 55.

c. The applicant's traffic study analyzed the crash history for this area as obtained from WSDOT. The crash rates are well below 1 accident per million entering vehicles, the City's action rate for accidents. The action rate is based on reported accidents. As noted in the testimony, some accidents are not reported. Therefore, the accident history may not reflect all of the accidents in the area. However, the action rate of 1 accident per million entering vehicles is generally based on reported accidents. There is no substantial evidence that this location experiences an unusually high number of unreported accidents. In addition, the applicant can only be required to address accidents caused by engineering and road conditions. The applicant cannot mitigate for accidents

caused by distracted or impaired drivers, excessive speed, and similar causes. The examiner finds that the WSDOT accident history is the best evidence available regarding the accident history for this area.

d. Reasonably prudent drivers will observe the posted speed limits, traffic control signs, and pavement markings in the area and will further reduce their speed to accommodate curves, grades and other conditions on area roads. 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. The examiner encourages area residents to contact local law enforcement agencies to request enhanced enforcement of traffic laws in this area to ensure compliance with posted speed limits and other traffic controls.

e. The applicant has no authority to reduce the posted speed limit on area streets. The City plans to lower the speed limit on the section of NE Ingle Road within the City limits from 50 to 40 mph. The City has no authority to change the speed limit on the section of NE Ingle Road within the County.

6. Traffic from this development will cause the intersection of NE 58th Street (SR 500) and NE 199th Avenue to operate at LOS D, below the minimum LOS C required by WSDOT for this non-HSS rural intersection. WSDOT intends to construct a single-lane roundabout at this intersection, which will improve the LOS to acceptable levels. The applicant will mitigate its impact on this intersection by contributing a proportionate share of the cost of constructing the planned improvement.

a. Mr. Huyette objected to the proposed roundabout, arguing that they impede traffic and increase delays. However, this intersection is within WSDOT's jurisdiction and WSDOT has exclusive authority to determine the type of improvement for the intersection.

7. The applicant is not required to install fencing along the boundaries of the site in order to protect the privacy of existing off-site residents or preclude trespass. Development of this site will cause an incremental loss of privacy for existing residents in the area; what is now an undeveloped forested area will be developed with 159 new homes. But the CDC does not prohibit development from having an impact on privacy. The intensity of the proposed development is consistent with the current zoning of the site and the previously approved Master Plan for the PRD site. The examiner understands residents' displeasure with the growth around them, but this growth was foreseeable and is in the broader public's interest. This site is zoned R-10. As large lots are sold, presumably they will be developed. In addition, the homes on the site will be setback a significant distance from abutting homes, separated by the undevelopable BPA powerline easement and expansive rear yards in the Mountain Glen subdivision. See Exhibits 57 and 59.

a. The proposed development will attract additional people to the area, which may increase the potential for trespass, and other illegal activities. However, there is no substantial evidence in the record that the future residents of this development are

any more or less likely to engage in nuisance or illegal activities than other people. The proposed trails on the site are unlikely to encourage trespass on adjacent properties. Developed trails will clearly demarcate where the public is permitted to travel. The applicant will not stub trails to the boundaries of abutting private properties. The owners of adjacent properties have adequate legal recourse to address any trespass or other illegal activities that may occur.

b. The applicant agreed to shift the northern terminus of proposed Public Road A away from the north boundary of the site. The applicant should be required to dedicate right-of-way to the north boundary of the site and provide a plan demonstrating the feasibility extending this road in the future, subject to City approval. A condition of approval is warranted to that effect.

8. The Code does not require larger lots on the perimeter of the site. CDC 18.09.080.B requires that perimeter lots adjacent to a lower density residential zone be developed at the maximum lot size allowed in order to provide a transition between different residential densities. However, that standard does not apply to properties outside the UGA. The abutting properties north of the site are zoned Clark County R-10, which is a Rural zone, not a “residential zone” as that term is used in CDC 18.09.080.B.

9. The applicant is required to install signs and fencing along the rear boundary of proposed Lots 14-18, 26-31, and 109-112, to protect the critical area (wetland and buffer) within proposed Tract L. CDC 16.51.210. Temporary fencing approved by the City and sufficient to ensure that no unauthorized intrusion will occur is required prior to the commencement of permitted activities on the site. Such temporary fencing must be maintained throughout construction, until final city approval is granted. CDC 16.51.210.A. Prior to final city approval, the applicant is required to replace the temporary fencing with forty-two inch high permanent fencing consisting of vinyl-coated chain link, wooden split rail, or similar, as approved by the city. CDC 16.51.210.C.

a. The applicant proposed to construct Lots 14-18 and 26-31 as part of Phase 3A. Lots 109-112 will be developed with Phase 3D. The examiner finds that properly installed and maintained temporary fencing will adequately protect the critical area during construction of the abutting development. The applicant should be required to install temporary fencing between Tract L and Lots 14-18, 26-31, and 109-112 prior beginning construction of either Phase 3A or Phase 3D in order to ensure that construction activities on the site do not adversely impact the critical areas. The applicant should be required to replace the temporary fencing with City approved permanent fencing prior to final occupancy approval of homes on the abutting lots. All temporary fencing must be properly maintained in adequate condition to clearly demarcate the critical area boundary and preclude unauthorized intrusion until replaced by permanent fencing. Proposed condition of approval 31 and Plat Note 10 should be modified to that effect.

D. CONCLUSION

Based on the above findings and discussion, the examiner concludes that File No. SUB17-03 & SEPA 18-01 (Green Mountain PRD Phase 3 Subdivision) should be approved, because it does or can comply with the applicable standards of the Camas Municipal Code and the Revised Code of the State of Washington, subject to conditions of approval necessary to ensure the final plat and resulting development will comply with the Code.

E. DECISION

Based on the findings, discussion, and conclusions provided or incorporated herein and the public record in this case, the examiner hereby approves File No. SUB17-03 & SEPA 18-01 (Green Mountain PRD Phase 3 Subdivision), subject to the following conditions of approval:

Engineering:

1. A 3% plan review and inspection fee will be required per resolution number 1023. The fee will be based on an Engineer's estimate or construction bid. The fee is due prior to approved construction drawings being released by the City.
2. Per CMC 14.02 Stormwater Control, stormwater treatment and detention shall be designed in accordance with Ecology's latest edition of the Stormwater Management Manual for Western Washington (SWMMWW) and the City of Camas Stormwater Design Standards Manual (CSDSM).
3. Prior to final engineering plan approval, the Applicant shall be required to install acceptable traffic calming elements in the number, type, and location deemed necessary by the City Engineer.
4. The Applicant shall be required to design and install an 18-inch diameter water main extension on NE Ingle Road from its existing terminus to the intersection of NE 199th Avenue and NE 48th Circle and connect to the existing 8-inch diameter water main in NE 48th Circle, in accordance with the City's Design Standards Manual.
5. The Applicant shall be required to design and construct an extension of the existing 8-inch diameter waterline from the east end of NE 48th Circle to the Proposed Phase 3 water system, creating a looped system including the Mountain Glen customers.
6. The Applicant shall be required to decommission the existing well serving the Mountain Glen Subdivision in accordance with State and county guidelines and per CMC 17.19.020 (A3), and vacate the existing easement after water to the Mountain Glen Development is looped and said residents have access to City water. Prior to decommissioning the well, the Applicant shall be required to coordinate with Clark Public Utilities and the City regarding the salvage of any equipment wanted by either agency, and any other specific requirements regarding decommissioning and abandonment of the existing system and equipment.
7. The Applicant shall be required to design and construct Water Booster Station DE-5 in order to provide pressure for lots above elevation 370-feet.

8. Prior to final engineering plan approval for any phase, the applicant shall demonstrate that the proposed water system improvements being installed will provide adequate fire flows for the lots proposed.
9. The Applicant shall evaluate the existing ditch for the need to reestablish erosion/sediment control measures prior to discharges from the new storm facility.
10. Prior to final engineering plan approval, the wet pond located on Tract B shall meet the 30-foot minimum setback requirement from NE Ingle Road. If the 30-foot minimum setback is not attainable, the Applicant shall be required to include stall enhanced landscaping, screening, and attractive fencing, in a style acceptable to the City, on the final landscaping plan prior to approval of Phase 3.
11. The stormwater facility, including fencing and landscaping, shall be located in a separate Tract. The Tract shall be shown on the plat with a plat note that clearly states that the maintenance of the facility is the responsibility of the Homeowner's Association. The City of Camas shall have right-of-entry for purposes of inspections.
12. The Applicant shall provide an Erosion Control Bond, per CMC 17.21.030, prior to release of approved construction plans.
13. The Applicant shall provide a copy of their NPDES Construction Stormwater General Permit and their SWPPP, prior to release of approved construction plans.
14. The Applicant shall extend the 10-inch gravity mainline, located in NE Ingle Road, to the northwest corner of Phase 3. Additionally, the Applicant shall design and install a new 8-inch gravity main to serve Phase 3 with 6-inch laterals provided for each lot.
15. The Applicant shall be required to construct half-street frontage improvements picking up where Phase 1 ended and along all portions of Phase 3 that abut NE Ingle Road. Improvements shall meet the City's Design Standards for half-street improvements.
16. The Applicant shall dedicate the half-street improvements and additional right-of-way along NE Ingle Road to the City of Camas.
17. The Applicant shall locate the proposed entry drive into Phase 3 off NE Ingle Road a minimum of 330-feet north of the project's south boundary.
18. The Applicant shall locate the proposed entry drive into Phase 3 off NE Ingle Road a minimum of 330-feet south of NE 48th Circle.
19. The Applicant shall locate entry 'Road A' and the driveway access, located in 'Tract A', a minimum of 330-feet apart.
20. The Applicant shall locate the proposed private driveway access, located in 'Tract A', a minimum of 330-feet north of the Phase 3 project's south boundary that is adjacent to the north boundary of Parcel No. 172342-000.
21. The final plat for Phase 3 shall state that private streets with street lighting shall have a separate meter and that maintenance of all lights and power will be the responsibility of the Homeowner's Association.

22. Prior to final engineering plan approval the Applicant shall include a landscaping plan that details the location, number, plant species proposed, planting notes, fencing notes, and associated details.
23. The Applicant shall contribute a proportionate share payment towards the design and construction of a single-lane roundabout at the intersection of NE 199th Avenue/NE 58th Street. In the event that the City and the applicant cannot agree on the amount of the proportionate share, the matter may be returned to the Hearing Examiner to determine the appropriate amount.
24. Prior to acceptance of infrastructure, the Applicant shall be required to design and install the signal at the intersection of NE Ingle Road/NE Goodwin Road.
25. Page 12 of the Traffic Impact analysis calculates Phase 3 impact to the intersection of 199th/58th at 72 pm peak hour trips and calculates the per trip proportionate fee as \$391.00 per PM Peak hour trip. Based on the 159 lots in Phase 3, the per lot proportionate share fee is \$177.06 per lot.
26. The Applicant shall design and construct a left-turn lane at the intersection of NE Ingle Road and Road 'A' that will provide sufficient intersection capacity in order to comply with the City's transportation concurrency requirements.
27. The intersection site distance, at the proposed access to Road 'A', is to be shown on the engineering plans. Additionally, speed reduction markings shall be installed along NE Ingle Road approaching Road 'A' per the MUTCD guidance and with approval from the City.
28. The Applicant shall ensure that the private driveway access off Road 'A' meets the minimum setback requirement of 110-feet from the intersection of NE Ingle Road and Road 'A'.
29. The applicant shall shift the northern terminus of proposed Public Road A away from the north boundary of the site. The applicant shall dedicate right-of-way to the north boundary of the site and provide a plan demonstrating the feasibility extending this road in the future, subject to City approval. The applicant shall provide driveway access to proposed Lots 108 and 109 within the undeveloped right-of-way.

Planning and Building:

30. Prior to undertaking any land disturbing activities in either Phase 3A or 3D, the applicant shall install City approved temporary fencing at the buffer boundary along lots 15-18, 26-31, and 109-112. Temporary fencing shall be maintained as needed to clearly demarcate the critical area boundary and preclude unauthorized intrusion into Tract L until it is replaced by City approved permanent fencing consistent with CDC 16.51.210.C. This entire buffer area shall be mitigated and fenced at one time to help ensure that construction on the site does not adversely impact the wetland and buffer. Temporary fencing shall be replaced with City approved permanent fencing prior to final occupancy approval of homes on the abutting lots.

31. The applicant shall install all appropriate wetland buffer mitigation planting prior to final plat approval of either Phase 3A or 3D.
32. All jurisdictional wetlands on site shall be contained in separate tracts and clear signage and demarcation approved by the city shall be installed at appropriate wetland and buffer boundaries as appropriate, prior to final plat approval.
33. Prior to the Building Department issuing a Certificate of Occupancy, each lot shall install a minimum of one 2" caliper tree to be located in the planter strip or front yard of each lot, as specified on the plat. This condition shall be noted on the final plat.
34. Final landscaping plans for off-street parking areas in conformance with the parking lot landscaping standards of CMC Chapter 18.13 shall be included with final engineering plans for each phase.
35. Lots 18, 102 and 103 do not appear to have adequate frontage, and as such shall be revised prior to final plat approval
36. 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 30% of lots are sold within the phase, or two years after Certificate of Occupancy was issued for model home, whichever is less. After such time, the sales office in the home or the trailer must be removed.
37. All applicable trail improvements and connections associated with each phase shall constructed according to the approved master plan, and prior to final plat approval.
38. The Geotechnical Engineer of record (Columbia West Engineering, Inc.) 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 Columbia West Engineering, Inc. Recommendations on pages 12 & 13, Geotechnical Engineering Report).
39. The applicant shall retain the Geotechnical Engineer of Record (Columbia West Engineering, Inc.) 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.
40. For lots adjacent to steep slopes (lots 41-44, 50-53, and 66-81), the Geotechnical Engineer of Record must perform a lot specific geotechnical evaluation, which will be submitted with the building permit application.
41. Removal of established slope vegetation shall be minimized.
42. Surface water must be collected and routed away from the slopes of the geohazard areas.
43. Temporary construction fencing shall be installed around the geohazard setback prior to earthwork.

44. No fill or ground disturbance within the identified geohazard and setback area shall occur without additional geotechnical review and approval by the City.
45. 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.
46. In the event that any archaeological or historic materials are encountered during project activity, work in the immediate area (initially allowing for a 100-foot buffer; this number may vary by circumstance) must stop and the following actions taken:
 - a. Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering;
 - b. Take reasonable steps to ensure the confidentiality of the discovery site; and
 - c. Take reasonable steps to restrict access to the site of discovery.
 - d. The project proponent shall notify the concerned tribes and all appropriate city, county, state, and federal agencies, including the Washington State Department of Archaeology and Historical Preservation. (CMC 16.31.150(D))

Fire:

47. Low Flow Life Safety Residential Fire Sprinklers (NFPA 13D) required in all new dwellings: Dead-ends over 400 feet. CMC (Camas Municipal Code) 17.19.040.14, CMC 17.19.030.D.5.d
48. Low Flow Life Safety Residential Fire Sprinklers are required where structure(s) are accessed by a flag lot, access tract, or private road. CMC 17.19.030.D.5.c, 17.19.040.A.7
49. Low Flow Life Safety Residential Fire Sprinklers that comply with 13D or 13R are required in all buildings abutting a street designed and constructed with less than 36 feet of pavement width.
50. In the unusual case where a subdivision is not required to have residential sprinklers, any new single family residence or duplex to be used as a model home or home sales office shall have Low Flow Life Safety Residential Fire Sprinklers installed. CMC 15.17.050
51. The distance from a required fire hydrant may be doubled when Low Flow Life Safety Residential Fire Sprinklers are installed throughout a fully sprinklered subdivision. CMC 17.19.040.C.4.a. Distance shall be reduced by 100 feet for dead end roads or single point access. For Green Mountain PRD the maximum hydrant spacing shall be 900 feet or less.
52. Establishing Hydrant Flow Tests per NFPA 24 (National Fire Protection Association) utilizing a Washington State Licensed Fire Sprinkler Contractor may be waived when Low Flow Life Safety Residential Fire Sprinklers are installed throughout a fully sprinklered subdivision. 17.15.030.D.C

53. Low Flow Life Safety Residential Fire Sprinklers are required where minimum hydrant water flow from the closest hydrant is not met. CMC 17.19.040.C.4.a, CMC 15.04.010.D (IFC Appendix B, Fire Flow) A Washington State Licensed Fire Sprinkler Contractor meeting NFPA 24 Fire Flow guidelines may be hired to establish the gallons per minute (fire flow). A permit is required with the fire marshal's office prior to the flow test.
54. An approved address sign, in accordance with the Camas Municipal Code, must be posted for each residence where the flag lot leaves the public road or access tract. CMC 17.19.030.D.5.d
55. When access grades exceed those specified in CMC 17.19.040.12.b, Low Flow Life Safety Residential Fire Sprinklers are required to be installed. CMC 17.19.040.12.b.iii.
56. Underground oil tank removal requires a permit with the fire marshal's office following IFC (International Fire Code) 3404.2.14
57. Any existing structures that are scheduled to be torn down may be considered for fire department training.
58. Any blasting that may be needed for this location is required to follow the CMC Blasting Code and requires a permit with the fire marshal's office. CMC 15.40
59. Any gates serving two or more homes is required to follow the gate code CMC 12.36
60. Gated access to two or more homes is required to have Low Flow Life Safety Residential Fire Sprinklers installed CMC 12.36.040.J
61. A second means of a fully constructed normal access to a subdivision may be waived when Low Flow Life Safety Residential Fire Sprinklers are installed. Each request will be evaluated for possible approval and will include factors such as grade, wild land urban interface, distance of dead ends, density, street widths and so on.
62. Currently Fire Impact Fees of 0.20 cents per square foot are waived when Low Flow Life Safety Residential Fire Sprinklers are installed.
63. Currently 13D Permit fees are waived when Low Flow Life Safety Residential Fire Sprinklers are installed. However, permit submittals are still required.
64. No building, structure or development regulated by the building and/or fire code shall be erected, constructed, enlarged, altered, repaired, moved, converted or demolished unless a separate permit for each building, structure or development has first been obtained from the fire department. Camas Municipal Code 15.04.030.D.12a.
65. Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus. 35-foot radius cul-de-sac is acceptable. IFC 503.2.5 Flexibility on length possible when entire subdivision is sprinklered.

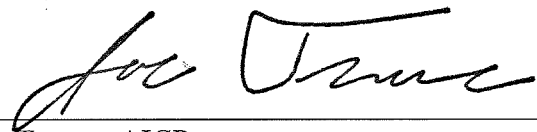
66. Aut35-foot fire sprinkler system designed and installed in accordance with NFPA 13D is required in all new dwellings. IFC B 105, CMC 17.19
67. Onsite fire hydrants required contact fire department for locations. IFC Appendix C Sec. C 105
68. Required distance from a fire hydrant may be increased when approved automatic fire sprinklers are installed in the entire subdivision. IFC C 105, CMC 17.19
69. Contact the building department for street names and addresses. CMC 17.19.040 (b) (7) Ord. 2421
70. Separate permits with the Fire Marshal's office and the public works dept. for private access gates/barriers. IFC D 103.5, CMC 12.36
71. A separate permit with the Fire Marshal's office is required for any underground tank removal/disposal or abandoning in place. IFC 105.7.5, 3404.2.13.1.4
72. Approved monument provisions required to be made for the addressing of flag lots or access driveways. Address numbers shall be plainly legible and clearly visible and must be posted for each residence where the flag lot access or easement leaves the public road, one monument shall be used for multiple addresses. IFC 505.1, CMC 17.19.030-D-5-G
73. Contact the fire marshal's office for residential water line supply installation guidelines regarding water flow for Life Safety Fire Sprinkler Systems. Items to discuss, early involvement with your fire sprinkler contractor, 1 1/4" minimum supply line. Larger supply line may be required if there are long runs or significant elevation gain, and valve shut off at the meter shall be a flow through type such as a ball valve, gate valve type, minimizing 90 degree connections decreasing friction loss. (360-834-6191 option 2)
74. A separate permit with the Fire Marshal's office required for any blasting performed on site. IFC 105.6.15, CMC 1540
75. Any structure needing to be demolished may be evaluated for use as a CWFD training burn. Please contact 360-834-6191 for further information.
76. Street signs to include hundred block designations.

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.
2. Each phase of the subdivision plats shall contain the approved density and dimensional standards table as approved with this development.
3. For lots adjacent to steep slopes (lots 41-44, 50-53, and 66-81), the Geotechnical Engineer of Record must perform a lot specific geotechnical evaluation, which will be submitted with the building permit application.

4. 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.
5. Tree topping is not permitted, nor removal of more than 20 percent of a tree's canopy. Trees that are determined to be hazardous by a licensed arborist may be removed after approval by the City. Removal of hazard trees, and required street trees shall be promptly replaced and maintained.
6. Building permits will not be issued by the Building Department until all subdivision improvements are completed and Final Acceptance has been issued by the City.
7. Automatic life safety residential fire sprinkler system designed and installed in accordance with NFPA 13D is required in all new dwellings.
8. 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. In addition, lots in this subdivision are required to pay an additional proportionate share fee of \$177.06 per lot towards the planned improvement to the intersection of NE 199th Avenue and NE 58th Street.
9. Prior to the Building Department issuing a Certificate of Occupancy, each lot shall install a minimum of one 2" caliper tree to be located in the planter strip or front yard of each lot, as specified on the plat. Required trees shall be maintained in good health, and damaged or dying trees shall be promptly replaced (within six months) by the homeowner.
10. Prior to the Building Department issuing a Certificate of Occupancy, each lot abutting a critical area tract shall have a continuous City approved permanent fencing consistent with CDC 16.51.210.C installed along the appropriate property boundary line.
11. No fill or ground disturbance within the identified geohazard 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 41-53, 66-81, and 159.

DATED this 23rd day of March 2018.



Joe Turner, AICP
City of Camas Land Use Hearing Examiner