

NOTICE of DECISION
Green Mountain PRD Pod B1 Subdivision (city file# SUB18-04)

DECISION ISSUED: August 15, 2019

CITY CONTACT: Lauren Hollenbeck, Senior Planner
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APPLICANT: Sterling Design, 2208 E. Evergreen Blvd., Vancouver, WA. 98661

OWNER: AE Green Mountain LLC

THIS IS TO SERVE AS NOTICE that a decision of **APPROVAL** has been rendered for **Green Mountain PRD Pod B1 Subdivision** (City File# SUB18-04), a 111-lot residential development. The project is located east of NE Ingle Road at N 90th Avenue. The location is also described as Tax parcels #986037307-000 and 173178-0000, within the NW ¼ Section 20 and 21, Township 2 North, Range 3 East of the W.M, Camas, WA.

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

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 (**Municipal Center, 616 NE 4th Ave., Camas**), to be accompanied by an appeal fee of \$383, for reconsideration by the examiner.

- A. Time Frame. The request for reconsideration shall be filed within fourteen calendar days of the date the decision was rendered. **Deadline for filing a reconsideration request is August 29, 2019, at 5:00 p.m.**
- B. Content. The request for reconsideration shall contain the following:
 - 1. The case number designated by the city and the name of the applicant;
 - 2. The name and signature of each petitioner;
 - 3. The specific aspect(s) of the decision being appealed, the reasons why each aspect is in error as a matter of fact or law and the evidence relied on to prove the error. If the petitioner wants to introduce new evidence in support of the appeal, the written appeal must explain why such evidence should be considered.
- C. The hearings examiner may, after review of the materials submitted in conjunction with the reconsideration request, and review of the open record hearing transcript, take further action as he or she deems proper; including, but not limited to, denying the request, modifying the decision, or affirming the decision.
- D. The hearings examiner shall issue a decision on a request for reconsideration within forty-five (45) days of the filing of the request for reconsideration. When a request for reconsideration has been timely filed, any appeal to Clark County Superior Court under the Land Use Petition Act shall be filed within twenty-one (21) days after a hearings examiner issues its decision on the request for reconsideration.

JUDICIAL APPEALS (Refer to RCW Chapter 36.70C)

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 as provided in Chapter 36.70C RCW.

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

Regarding an application by Sterling Design, Inc.)	<u>FINAL ORDER</u>
for approval of a preliminary plat to divide 7.9-)	
acres into 111 single-family lots east of NE Ingles)	FILE# SUB18-04
Road at N 90 th Avenue in the City of Camas)	(Green Mountain PRD Pod-B1)

A. SUMMARY

1. The applicant, Sterling Design, Inc., requests approval to divide the 7.9-acre site into 111 lots for single-family attached and detached dwellings. The site is located east of NE Ingle at N 90th Avenue, known as Pod B1 of Phase 2 of the approved Green Mountain PRD Master Plan; also known as tax parcels 986037307-000 and 173178-0000 (the "site"). The site is zoned Multi-Family Residential (MF-18). The site is bordered by vacant land to the south designated as the Urban Village Area of the Master Plan, the Green Mountain Mixed Use PRD Phase 1 subdivision to the north, NE Ingle Road to the west, and community open space that has been previously approved in the Green Mountain Mixed Use PRD to the east.

a. The preliminary plat proposal would divide the site into 111 lots for two detached homes, six duplex buildings, three triplex buildings, and 22 four-plex buildings, ranging in size from approximately 1,300 square feet to 4,662 square feet to accommodate front and alley loaded residential homes. The proposal also includes trails, open space/park, private access roads, parking areas, and stormwater detention facilities.

b. The site is accessed from N. Boxwood Street and N. Dogwood Street. The site slopes downwards from the Northwest corner down to the Southeast portion of the site with a maximum slope of 15-percent. The entire project site is an open grassy field that contains two Oregon White Oak trees. The applicant will remove the oak trees and mitigate for their removal consistent with the Development Agreement (DA) Exhibit E – Tree Preservation Plan (Exhibit 16).

2. The City issued a Determination of Nonsignificance ("DNS") for the subdivision pursuant to the State Environmental Policy Act ("SEPA") on June 27, 2019. The SEPA determination was not appealed and is now final.

3. City of Camas Hearing Examiner Joe Turner (the "examiner") conducted a public hearing to receive testimony and evidence about the application. City staff recommended the examiner approve the preliminary plat subject to conditions. See the City of Camas Staff Report to the Hearing Examiner dated July 31, 2019 (the "Staff Report"), as modified at the hearing. The applicant accepted those findings and conditions, as amended, without exceptions. No one else testified orally or in writing.

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

B. HEARING AND RECORD HIGHLIGHTS

1. The examiner received testimony at a public hearing about this application on August 6, 2019. 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 Lauren Hollenbeck summarized the Staff Report and corrected certain typographical errors:

a. The fourth paragraph on p. 10 and condition 42 should be modified to require street trees on Lots 16-23 and 40-68.

b. The “Design Review” findings on p. 12 and condition 53 should be modified to require the applicant to submit a design review application prior to building permit approval.

c. The Green Mountain master plan does not require any parks on this site. Therefore, condition 20 should be deleted.

d. She requested the examiner add a condition of approval requiring a traffic signal at the intersection of NE Ingle Road/NE Goodwin Road/NE 28th Street prior to final acceptance, as set out in Exhibit 37.

e. As discussed in Exhibit 40, portions of “West Public Street” and South Public Avenue” will be constructed off-site, on an adjacent property. The applicant should be required to work with the adjacent property owner to dedicate the additional right-of-way prior to final engineering plan approval. She requested the examiner add a condition of approval to that effect.

3. Joel Stirling appeared on behalf of the applicant, Sterling Design, Inc. He accepted the findings and conditions in the Staff Report, as amended, with certain corrections.

a. He requested the examiner modify condition of approval 22 to delete references to “park amenities.”

b. The new condition discussed in Exhibit 40 should require that the applicant provide a written agreement from the owner of the adjacent property, rather than actual dedication of right-of-way. Dedication usually occurs with final plat approval, rather than final engineering.

c. He noted that the proposed development will actually generate less than 700 ADT, based on a recent email from the applicant’s traffic engineer. However, the applicant will accept condition 23.

4. City engineering manager James Carothers agreed with Mr. Stirling's request to require a written agreement from the owner of the adjacent property prior to final engineering plan approval. However, an additional condition is warranted requiring dedication prior to, or concurrent with, final plat recording.

a. He noted that other developments were required to install a traffic signal at the intersection of NE Ingle Road/NE Goodwin Road and NE 28th Street. This development should be subject to the same condition.

5. No one else testified orally or in writing. The examiner closed the record and announced his intention to approve the application subject to conditions of approval in the Staff Report, as amended at the hearing.

C. DISCUSSION

1. City staff recommended conditional approval of the application, based on the affirmative findings in the Staff Report, as modified by Exhibit 30. The applicant accepted those findings and conditions, as amended at the hearing, without exceptions. No one else testified orally or in writing.

2. The examiner concludes that the affirmative findings in the Staff Report as amended at the hearing 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. The examiner adopts the affirmative findings in the Staff Report, as modified, as his own.

D. CONCLUSION

Based on the above findings and discussion, the examiner concludes that File No. SUB18-04 (Green Mountain PRD Pod-B1 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. SUB18-04 (Green Mountain PRD Pod-B1 Subdivision), subject to the following conditions of approval:

CONDITIONS OF APPROVAL

Standard Conditions:

1. All construction plans will be prepared in accordance with City of Camas standards. The plans will be prepared by a licensed civil engineer in Washington State and submitted to the City for review and approval.

2. 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's engineering department 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.
3. Existing water wells, septic tanks and septic drain fields shall be properly abandoned in accordance with State and County guidelines prior to final plat approval.
4. Any entrance structures or signs proposed or required for this project will be reviewed and approved by the City. All designs will be in accordance with applicable City codes. The maintenance of the entrance structure will be the responsibility of the homeowners.
5. The applicant will be responsible for ensuring that private utilities; underground power, telephone, gas, CATV, street lights, and associated appurtenances are installed.
6. A 6-foot private utility easement (PUE) shall be located outside of the right-of-way on public streets and outside of the tracts on private streets.
7. A draft street lighting plan shall be submitted for review prior to final plan submittal to Clark Public Utility.
8. The applicant will be required to purchase all permanent traffic control signs, street name signs, street lighting and traffic control markings and barriers for the improved subdivision.
9. A homeowner's association (HOA) will be required and a copy of the CC&R's for the development will need to be submitted to the City for review and approval. The applicant shall provide the City with a copy of the recorded CC&R's at time of final plat recording.
10. The applicant shall make provisions in the CC&R's for ownership and maintenance of the storm drainage systems, fencing, walls, landscaping, irrigation, private roads, and tracts or easements outside of the City's right-of-way if applicable. Additionally, the applicant shall make adequate provisions for parking enforcement along private roads, alleys, and access tracts that are acceptable to the Fire Marshal. Further, all necessary easements and dedications should be noted on the final plat.
11. Final plat and final as-built construction drawing submittals shall meet the requirements of the CMC 17.11.060, CMC 17.01.050 and the Camas Design Standards Manual.
12. The applicant shall remove all temporary erosion prevention and sediment control measures from the site at the end of the two-year warranty period, unless otherwise directed by the Public Works Director.
13. Street names shall be reviewed and approved by the Building Department prior to final plat approval.
14. Building permits shall not be issued until this subdivision has been granted Final Acceptance and the final plat is recorded and approved by the Planning, Engineering, Building and Fire Departments.
15. Automatic fire sprinklers installed per NFPA 13D or 13R shall be required in all new residential structures.

16. If potential artifacts are discovered during the course of construction, work must immediately cease and both State Department of Archaeological and Historic Preservation and the City must be notified.

Special Conditions:

17. Prior to engineering plan approval, a final archaeological report including any necessary permits required by DAHP shall be submitted to DAHP for review and approval and sent to the tribes per CMC 16.31.160.
18. The applicant shall submit a site specific geotechnical report to the City for review and approval prior to building permit approval.
19. On corner lots, the side façade elevation facing the street shall provide architectural variation similar with the front building façade. Additional landscaping shall be provided along the street side façade but shall not impede necessary vision clearance requirements.
20. The neighborhood trails shall be a minimum 6-foot wide paved trail consistent with the trail requirements of the PRD Open Space, Park & Landscape Master Plan.
21. The trails shall be installed prior to final plat approval.
22. The applicant shall install an acceptable traffic calming feature at the intersection of N Dogwood Street & N 90th Avenue and work with Staff to determine an acceptable feature.
23. The applicant shall dead end the 8-inch waterline at the north boundary of the private access tract and extend the 8-inch waterline, shown in 'South Private Avenue', thru the proposed Trail Tract and tie into the 18-inch water main in NE Ingle Road. Additionally, a new hydrant shall be installed at the existing 8-inch water service stub on NE Ingle Road.
24. The applicant shall to extend the 8-inch waterline located in the proposed 'South Public Avenue' east to N Boxwood Street.
25. The applicant shall to provide adequate access and utility easements to the City over private streets, alleys, and access driveway tracts, at the time of final platting, for the purpose of inspection, maintenance, and operation of said public water and sanitary sewer lines.
26. The applicant shall provide the City with a signed copy of *Option Agreement* memorializing the agreement between the two property owners prior to final engineering plan approval.
27. The stormwater treatment and detention facility is to be placed in a separate Tract and the City shall be granted a right-of-entry to the stormwater treatment and detention facility for purposes of inspections. Additionally, the Homeowners Association's (HOA) responsibility for ownership and maintenance is to be fully outlined in the CC&R's and on the recorded plat.
28. The access ramp to the storm facility shall be widened to a minimum 15-wide paved surface to the live storage elevation. Additionally, a minimum 5-foot wide trail/pathway around the perimeter of the pond and a 10-foot by 15-foot paved pad around the storm control manhole to provide for accessibility and maintenance shall be provided.

29. Prior to final engineering plan approval, a final stormwater report (TIR) shall be submitted to the City for review and approval. The final stormwater report shall provide the required documentation per Ecology's latest edition of the Stormwater Management Manual for Western Washington (SWMMWW), addressing the feasibility/infeasibility of LID BMPs.
30. The storm drainage collection system located in private tracts and easements; 'West Private Street', 'South Private Avenue', 'SE Alley', 'NE Alley', the 10-foot landscape buffer tract adjacent to Lots 14-23, the storm easement adjacent to Lots 54-68, and the stormwater treatment and detention facility; will be owned and maintained by the Homeowners Association (HOA). Right-of-entry shall be granted to the City for inspection purposes of the stormwater treatment and detention facility.
31. Prior to final engineering plan approval, the applicant shall provide copies of the NPDES GCSWP and SWPPP.
32. The sanitary sewer segment located in the 30-foot private driveway tract shall dead end at the north end of the private access tract (Lot 10). The sanitary leg located at the intersection of the proposed 'West Private Street' and 'South Private Avenue' shall be extended through the proposed 'Trail Tract' and tie into the existing 10-inch sanitary sewer main NE Ingle Road.
33. The frontage improvements along NE Ingle Road shall include road widening, installation of curb & gutter, sidewalk, planter strip, bike lane, and street lighting. At completion of the NE Ingle Road frontage improvements, the applicant shall dedicate the right-of-way to the City.
34. At completion of all on-site public road improvements, the applicant shall dedicate all public right-of-way to the City.
35. The applicant shall install a 5-foot wide sidewalk along the frontage of Lots 10-15, a 4-foot wide planter strip along the side yard of Lot 9, and no parking shall be permitted on either side of the private driveway, within the 30-foot wide private access tract.
36. Provisions shall be included in the CC&R's that the residents served by the private access tract shall be required to place their garbage and recycling cans at the end of the access tract at the private street for weekly or bi-weekly pickups due to the lack of a turnaround at the end of the private access tract.
37. Prior to final occupancy, an acceptable address monument and address signs shall be installed at the end of the private access tract where the private access tract leaves the private road.
38. A note shall be added to the face of the final plat that the private streets with street lighting shall have a separate meter and that maintenance of all light and power shall be the responsibility of the Homeowner's Association.
39. The driveway throat shall not exceed 40% of the total lot frontage and therefore shared driveways shall be provided between lots where feasible.
40. Prior to final engineering plan approval, the applicant shall submit a plan to the City for review approval showing the location of proposed driveways to each lot to ensure that street trees are not impacted and can be accommodated.

41. Prior to Building Department issuing a Certificate of Occupancy, an additional 22 street trees shall be located within the planter strip or within the front yards of Lots 16-23 and 40-68.
42. Required trees shall be maintained in good health, and shall be promptly replaced (within six months) if damaged or in poor health, and a note to this effect shall be on the final plat document.
43. Prior to final engineering plan approval, the applicant shall submit a landscape plan for City review and approval that details the location, plant species, planting, irrigation and fencing notes and associated details for all required landscaping including but not limited to the landscape buffer and pedestrian trail tracts.
44. All landscaping shall be installed or bonded for prior to final plat acceptance.
45. Street trees adjacent to individual lots shall be installed prior to final occupancy or bonded, and installed prior to expiration of the two year-warranty period, whichever comes first.
46. The off-street parking areas shall be included within the adjacent open space tracts.
47. Parking areas shall be landscaped at all perimeters and provide a minimum 5-foot width of planting space per CMC 18.13.060.A and E.
48. All building envelopes and setbacks shall be shown on the final plat.
49. Lots 10-23 shall comply with the development standards for double frontage lots in CMC 17.19.030.D.6(a-d) to include:
 - a. A 10-foot landscape tract shall be located along the rear property lines of Lots 10-23,
 - b. The 10-foot landscape tract shall be planted with 2-inch caliper trees every thirty feet on center, three-foot tall shrubs that form a continuous screen and groundcover plants that fully cover the remainder of the landscape area,
 - c. A 4-foot tall sight obscuring fence or masonry wall, located at the line that separates the lot from the 10-foot landscape tract, to include columns or physical indentations every fifty lineal feet, and
 - d. The rear building elevations facing NE Ingle Road shall maintain the architectural design of the front building façade to avoid blank walls.
50. Lots 86-104 shall provide a pedestrian access to NE Boxwood Street per CMC 17.19.030.D.6.a.ii.
51. Prior to engineering plan approval, a revised clearing and grading plan shall be provided in compliance with CMC 18.17.060.
52. Staff recommends a conditioned of approval that the applicant submit to the City for Design Review approval prior to building permit approval.
53. A single sales office in a model home for purpose of selling lots may be located within the development. Upon construction of the last unit, the model home/sales office shall be closed.

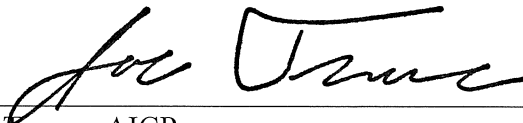
54. The applicant shall pay the proportionate share payment of \$391/per DU for future improvements at the intersection of NE 13th St. / NE 192nd Ave. to the City of Vancouver.
55. A note shall be added to the face of the final plat that a Homeowner's Association shall be required for this development including Conditions, Covenants, and Restrictions (CC&R's) to ensure there are adequate and appropriate measures are in place for the perpetual ownership and maintenance of 'West Private Street', 'South Private Street', 'SW Alley', 'SE Alley', 'NE Alley', 30-foot private access tract adjacent to Lots 10-15, 10-foot landscape buffer adjacent to Lots 10-23, landscaping, open spaces/park, trails, parking lots, private stormwater system located behind Lots 54-68 and within the landscape buffer tract, all private roads and alleys, and the stormwater facility located on the Urban Village parcel to the south. Additionally, the CC&R's are to state that the City shall have right-of-entry to inspect the stormwater facility.
56. Plat notes shall be added to the face of the final plat regarding ownership and maintenance responsibilities of the individual Tracts.
57. The traffic signal, located at the intersection of NE Ingle Road/NE Goodwin Road/NE 28th Street, shall be constructed prior to Final Acceptance per CMC 17.21.070.
58. Prior to final engineering plan approval, the applicant shall provide a written agreement from the neighboring property owner agreeing to dedicate the additional right-of-way required to construct proposed "West Public Street" and "South Public Avenue" roadways.
59. The additional right-of-way required to construct proposed "West Public Street" and "South Public Avenue" roadways shall be dedicated prior to or concurrent with final plat recording.

Proposed Plat Notes:

1. A homeowner's association (HOA) will be required for this development. Copies of the CC&R's shall be submitted and on file with the City of Camas.
2. The homeowner's association is responsible for maintaining all private roads and associated infrastructure in this subdivision, including but not limited to the pavement, curbs, sidewalks, trail, fencing, landscaping, street lights and storm drainage utilities.
3. The following minimum setbacks shall apply per the PRD Master Plan:
 - a. Front Loaded Garage setbacks: Front yard 18-feet, Side yard 3-feet or 0-feet at attached lot line, Side yard flanking a street 10-feet and side yard flanking an alley 5-feet, rear yard 10-feet;
 - b. Alley Loaded Garage setbacks: Front yard 6-feet, Side yard 3-feet or 0-feet at attached line, Side yard flanking a street 10-feet and side yard flanking an alley 5-feet, Rear yard 4-feet or 18-feet.
4. No further short platting or subdividing will be permitted once the final plat has been recorded.
5. Building permits will not be issued by the Building Department until all subdivision improvements are completed and accepted by the City.

6. The lots in this subdivision are subject to traffic impact fees, school impact fees, and park/open space impact fees. Each new dwelling unit will be subject to the payment of appropriate impact fees at the time of building permit issuance or as otherwise provided by the city.
7. Prior to the Building Department issuing a Certificate of Occupancy, each lot shall install a minimum of one 2" caliper tree to be located in the planter strip or front yard of each lot as specified on the plat. Specified trees shall be maintained in good health, and damaged or dying trees shall be promptly replaced (within six months) by the homeowner.
8. Automatic fire sprinkler systems designed and installed in accordance with NFPA 13D are required in all structures.
9. The storm drainage collection system located in private tracts; 'West Private Street', 'South Private Avenue', 'SE Alley', 'NE Alley', the 10-foot landscape buffer tract adjacent to Lots 10-15, the storm easement adjacent to Lots 54-68, and the stormwater treatment and detention facility; shall be owned and maintained by the Homeowners Association (HOA). Right-of-entry shall be granted to the City for inspection purposes of the stormwater treatment and detention facility.
10. A Homeowner's Association shall be required for this development including Conditions, Covenants, and Restrictions (CC&R's) to ensure there are adequate and appropriate measures are in place for the perpetual ownership and maintenance of 'West Private Street', 'South Private Street', 'SW Alley', 'SE Alley', 'NE Alley', 30-foot private access tract adjacent to Lots 10-15, 10-foot landscape buffer adjacent to Lots 10-23, landscaping, open spaces/park, trails, parking lots, private stormwater system located behind Lots 54-68 and within the landscape buffer tract, all private roads and alleys, and the stormwater facility located on the Urban Village parcel to the south. Additionally, the CC&R's are to state that the City shall have right-of-entry to inspect the stormwater facility.

DATED this 15th day of August 2019.

A handwritten signature in black ink, appearing to read 'Joe Turner', written over a horizontal line.

Joe Turner, AICP

City of Camas Land Use Hearing Examiner