




HEARINGS EXAMINER MEETING AGENDA
Thursday, May 24, 2018, 2:00 PM
City Hall, 616 NE 4th Avenue

I. CALL TO ORDER

II. INTRODUCTION AND INSTRUCTIONS

III. HEARING ITEM

- A. Appeal of SEPA Determination for NW Larkspur/Camas Meadows Drive Street Improvements (APPEAL18-02)
Details: An appeal was filed with the City of Camas for the SEPA Determination of Non-significance (SEPA18-05) for the NW Larkspur/Camas Meadows Drive Street Improvements Project which was issued on March 15, 2018. Pursuant to Camas Municipal Code (CMC) 16.13.200, a SEPA Determination is appealed to the Hearings Examiner. Public testimony and new evidence are provided specific to the issues of the appeal only.
Presenter: James Carothers, Engineering Manager
Recommended Action: Staff recommends that the Hearings Examiner review the materials together with the public testimony and render a decision consistent with the applicable city codes and state laws.

-  [1 Appellant's Appeal \(APPEAL18-02\)](#)
- [2 Notice of Appeal and Public Hearing](#)
- [3 SEPA Appeal Rebuttal](#)
- [4 Ponce Plan and Section View](#)
- [5 Ponce Easement Area](#)
- [6 City's SEPA Distribution Copy](#)
- [7-Comment from Sammy Marchand](#)
- [8 Comment from Ning Cui](#)
- [9 Comment from Ning Cui](#)
- [10 Response from Mark Erikson](#)
- [Index of Exhibits](#)

IV. ADJOURNMENT

V. APPEAL DECISION

NOTE: The City of Camas welcomes and encourages the participation of all of its citizens in the public meeting process. A special effort will be made to ensure that persons with special needs have opportunities to participate. For more information, please call the City Clerk's Office at 360.817.1591.

110 West 13th Street
Vancouver, Washington 98660-2904

(360) 696-1012 • Facsimile (360) 737-0751

Mark A. Erikson
Licensed in Oregon & Washington
mark@eriksonlaw.com

April 11, 2018

HAND DELIVER

Appeal to the City of Camas SEPA Official
Community Development Department
616 NE Fourth Avenue
Camas, WA 98607

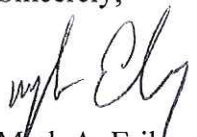
**Re: NOTICE OF APPEAL
SEPA 18-05 Larkspur / Camas Meadows Drive Street Improvements**

I represent Jay Ponce, owner of 5955 NW Larkspur Street, Camas, Washington (APN 175964-000), one of the properties required for the above-referenced project. A City of Camas document entitled "Determination of Non-Significance" dated March 15, 2018, provides that "[t]he lead agency will not act on this proposal until the close of the 14-day comment period, which ends March 29, 2018."¹ Despite filing comment on March 28, 2018, we have received no notice of final decision in SEPA 18-05. The Washington Supreme Court has held that administrative decisions cannot become final while a SEPA component is still subject to review:

[N]eighbors should not have been forced to initiate judicial review of a decision when the SEPA component of that decision was not yet final in that it was still subject to further administrative review. [²]

Under the foregoing decision, the earliest date that SEPA 18-05 could have become final was March 29, 2018. Hence, the 14-day appeal period expires at close of business, April 12, 2018.³ We hereby provide notice of appeal of SEPA 18-05 for the reasons stated in our comment letter dated March 28, 2018, a copy of which is annexed hereto as Exhibit 2.

Sincerely,


Mark A. Erikson
Attorney at Law

MAE/ke
PONJ0101.L02.wpd
Enclosures

cc: Client

¹Copy annexed hereto as Exhibit 1.

²*State v. Grays Harbor County*, 122 Wash.2d 244, 256, 857 P.2d 1039 (1993).

³CMC 16.13.060.





State Environmental Policy Act
Determination of Non-Significance

CASE NO: SEPA18-05 Larkspur / Camas Meadows Drive Street Improvements

APPLICANT: City of Camas
Jim Hodges
616 NE 4th Avenue
Camas, WA 98607

REQUEST: The applicant is proposing to widen an existing roadway to add full improvements that include curb, gutter, sidewalk, planter strips, and medians.

LOCATION: NW Larkspur, just north of NW Lake Road and connecting to Camas Meadows Drive (.25 miles long).

LEGAL DESCRIPTION: Section 28, Township 2 North, Range 3 East of Willamette Meridian.

SEPA DETERMINATION: Determination of Non-Significance (DNS)

COMMENT DEADLINE: **March 29, 2018, at 5:00 p.m.**

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], the City of Camas must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- DS = Determination of Significance (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS).
- MDNS = Mitigated Determination of Non-Significance (The impacts can be addressed through conditions of approval), or;
- DNS = Determination of Non-Significance (The impacts can be addressed by applying the Camas Municipal Code).

EXHIBIT 1
Page 1 of 5

Determination:

Determination of Non-Significance (DNS). The City of Camas, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(e). This decision was made after review of a completed environmental checklist, and other information on file with the City of Camas.

Date of Publication & Comment Period:

Publication date of this DNS is **March 15, 2018**, and is issued under WAC 197-11-340. The lead agency will not act on this proposal until the close of the 14-day comment period, which ends on **March 29, 2018**. Comments may be sent by email to communitydevelopment@cityofcamas.us.

SEPA Appeal Process:

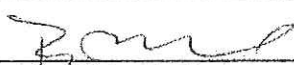
An appeal of any aspect of this decision, including the SEPA determination and any required mitigation, must be filed with the Community Development Department within fourteen (14) calendar days from the date of the decision notice. The letter of appeal should contain the following information.

1. The case number designated by the City of Camas and the name of the applicant; and,
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Title 16 of the Camas Municipal Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the City Planner. All contact with the City Planner regarding the petition, including notice, shall be with this contact person.

The appeal request and appropriate fee must be submitted to the Community Development Department between 8:00 a.m., and 5:00 p.m., Monday through Friday, at the address listed below:

Appeal to the City of Camas SEPA Official
Community Development Department
616 NE Fourth Avenue
Camas, Washington 98607

Responsible Official: Robert Maul (360) 817-1568

 _____ Robert Maul, Planning Manager and Responsible Official	<u>March 15, 2018</u> Date of publication
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SEPA Checklist Project Narrative

Project Description and Benefits

The NW Larkspur Street Improvements project is located in the City of Camas, Washington. The proposed project will widen the existing road from the intersection of NW Lake Road towards the current northern terminus (dead end) of the road, providing connectivity to future private developments. The existing roadway is currently approximately 20 feet wide for the majority of the alignment, but widens to approximately 36 feet in the vicinity of NW Lake Road. The road has a curb and an 8-foot wide sidewalk on the east side and sidewalk on both sides near NW Lake Road.

The proposed street improvements include the following:

- Replacing the existing roadway.
- Widen the road to approximately 38 feet including center medians.
- Construct a traffic circle at the intersection with NE 61st Circle.
- Construct a turnaround at the north end of the project.
- Construct curb and gutter on the west side of the street along with new sidewalk and bike lane, and widened sidewalks on the east side of the street to 10 feet.
- Extend the existing stormwater system from the north to convey additional stormwater from the NW Larkspur Street Improvements.
- Install street lighting on the west side.
- Relocate signal pole on NW corner of Larkspur and Lake Road

Both the widened road and the stormwater system will connect to improvements being built with the Village at Camas Meadows and Parklands at Camas Meadows projects. The project will upgrade NW Larkspur Street to city arterial standards and match up with a new roadway to be constructed with new developments to the north. The upgraded roadway will include two travel lanes, a turn lane or median, with a new sidewalk on the west side (maintaining the existing sidewalk on the east side), bicycle lanes, planter strips, and street lighting. Stormwater, water and sewer utilities will be provided to each lot on the west side to allow for future development, and stormwater management will include water quality treatment and conveyance.

The improvements to NW Larkspur Street will increase the capacity of the street to accommodate the anticipated increase in traffic from new developments to the north. The improvements will increase traffic safety and provide for pedestrian and bicycle travel through the corridor.

Potential Impacts

The widening of the NW Larkspur Street right of way is anticipated to require the acquisition of 40,280 square feet by the City from six different property owners. A strip of land approximately 10 feet in width will need to be acquired from adjacent property owners on the west side to increase the right-of-way to 70 feet throughout the project.

Permits Required

In order to build this project, the following permits will be needed:

SEPA Checklist Project Narrative

State of Washington

- SEPA checklist
- Stormwater Pollution Prevention Plan (SWPPP)
- General Construction Stormwater Permit (DOE)

City of Camas

- Critical Areas Review

Project Funding

The project is being funded through a combination of local and state funds and the total construction cost will be approximately \$4,375,000. The City of Camas successfully applied for and has received Fuel Tax grant funding from the Washington State Transportation Improvement Board. The grant will be used to fund part of the roadway improvements to NW Larkspur Street and connect it to Camas Meadows Drive.

Project Participants

The City of Camas, represented by City Engineer James Carothers and Project Manager Jim Hodges, is overseeing the project. The City has selected Otak, Inc. and associated subconsultants to provide civil engineering services. The Project Manager for Otak is Allen Hendy, PE.

Contact Information:

James Carothers
City of Camas
616 NE 4th Avenue
Camas, WA 98607
360-817-1561
communitydevelopment@cityofcamas.us

Allen Hendy
Otak, Inc.
700 Washington Street, Suite 300
Vancouver, WA 98660
360-906-6786
allen.hendy@otak.com

110 West 13th Street
Vancouver, Washington 98660-2904

(360) 696-1012 • Facsimile (360) 737-0751

Mark A. Erikson
Licensed in Oregon & Washington
mark@eriksonlaw.com

March 28, 2018

E-MAIL & FIRST CLASS MAIL

Robert Maul
Camas Planning Manager
616 NE 4th Avenue
Camas, WA 98607
E-mail: communitydevelopment@cityofcamas.us

Re: SEPA 18-05 Larkspur / Camas Meadows Drive Street Improvements

I represent Jay Ponce, owner of 5955 NW Larkspur Street, Camas, Washington (APN 175964-000), one of the properties required for the above-referenced project.¹ The proposed Determination of Nonsignificance (DNS) should be denied, and a Determination of Significance should issue, due to probable significant adverse environmental impacts from the proposal. City documents describe "Potential Impacts" as follows:

The widening of NW Larkspur Street right of way is anticipated to require the acquisition of 40,280 square feet by the City from six different property owners. A strip of land 10 feet in width will be need to be acquired from adjacent property owners on the west side to increase the right-of-way to 70 feet throughout the project. [²]

The lead agency cannot issue a DNS unless the responsible official determines there will be "no probable significant adverse environmental impacts from the proposal."³ The threshold determination must be "based upon information reasonably sufficient to evaluate the environmental impact of a proposal."⁴

¹The proposal contemplates taking 3,113 square feet from the Ponce property, and a temporary construction easement of 9,939 square feet; the latter characterization is erroneous, as discussed below. See Exhibit 1 annexed hereto: *Larkspur Street Improvements*, Otak.

²SEPA Checklist Project Narrative at 1.

³WAC 197-11-340(1).

⁴WAC 197-11-335.

Information sufficient to evaluate environmental impacts is contained in a draft of Otak's plan for "Larkspur Street Improvements," a copy of which is annexed hereto as Exhibit 1. The plan includes a cross-section along the driveway center-line (lower left corner) showing existing grade and a significant excavation into the Ponce property, outside of "10 feet in width . . . to be acquired from adjacent property owners on the west side." As depicted, the excavation removes up to 8 feet of elevation, encroaching at least 36 feet onto the Ponce property. This cut will impact the following "elements of the environment" specified in governing regulations:⁵ soils, topography, unique physical features, erosion, scenic resources, and aesthetics.⁶

The Otak analysis attempts to designate 9,939 square feet containing the excavation as a "temporary construction easement."⁷ This designation is contrary to Washington statutes:

Every city . . . is hereby authorized and empowered to condemn land and property, . . . and to damage any land or other property . . . for the purpose of making changes in the grade of any street, avenue, alley or highway, or for the construction of slopes or retaining walls for **cuts and fills upon real property abutting on any street**, avenue, alley or highway . . . , and to condemn land and other property and damage the same for such and for any other public use after just compensation having been first made or paid into court for the owner in the manner prescribed by this chapter. [⁸]

Clearly, "cuts and fills upon real property abutting any street" constitute a permanent "take" requiring compensation, not a temporary construction easement. This statute has been enforced by the Washington Supreme Court to require compensation for fills on properties abutting road projects:

[A] long line of later cases clearly hold the state or its subdivisions to be responsible for an interference with the right, use, and enjoyment of private property be it 'taking' or 'damaging.' . . . Thus it is clear that 'it is a taking of private land to cover it to any considerable depth with earth. When a street is graded to its Full width above the lot level of the surrounding land and the embankment is allowed to slope on the adjacent property, the land so covered is taken in the constitutional sense.'⁹ [⁹]

⁵WAC 197-11-740.

⁶WAC 197-11-444(1)(a)(ii), (iii), (iv), and (iv); WAC 197-11-444(1)(e)(v), and WAC 197-11-444(2)(b)(iv).

⁷*Temporary Construction Easement . . . , Exhibit "B"* page 3 of 3 (copy annexed hereto as Exhibit 2).

⁸RCW 8.12.030.

⁹*Cummins v. King County*, 72 Wash.2d 624, 628-29, 434 P.2d 588 (1967), emphasis added.

While the Court has lacked occasion to apply the statute to *cuts* on adjoining land, we have no doubt that the rule would be the same because compensation for cuts and fills is required under the same statutory provision. Just as fills required on abutting property constitute a compensable take, so do cuts on adjoining land which are required for a public road project.

Otak also prepared an alternative design using retaining walls and relocating the existing shop building, instead of the exorbitant cut and excavation discussed above. A copy of the retaining wall design is annexed hereto as Exhibit 3. This design includes relocation of the shop building on the north side of the Ponce property and redesigned access, necessitated by proposed project.¹⁰ Otak abandoned this alternative in order to reduce project costs; however, after 9,939 square feet are reclassified as a compensable take, and access, views and aesthetic losses are included in value diminution to the Ponce property, it is likely that the retaining wall alternative will be seen as viable.

In any event, the proposed DNS must be denied due to probable significant adverse environmental impacts from the proposal.¹¹

Sincerely,



Mark A. Erikson
Attorney at Law

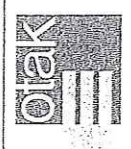
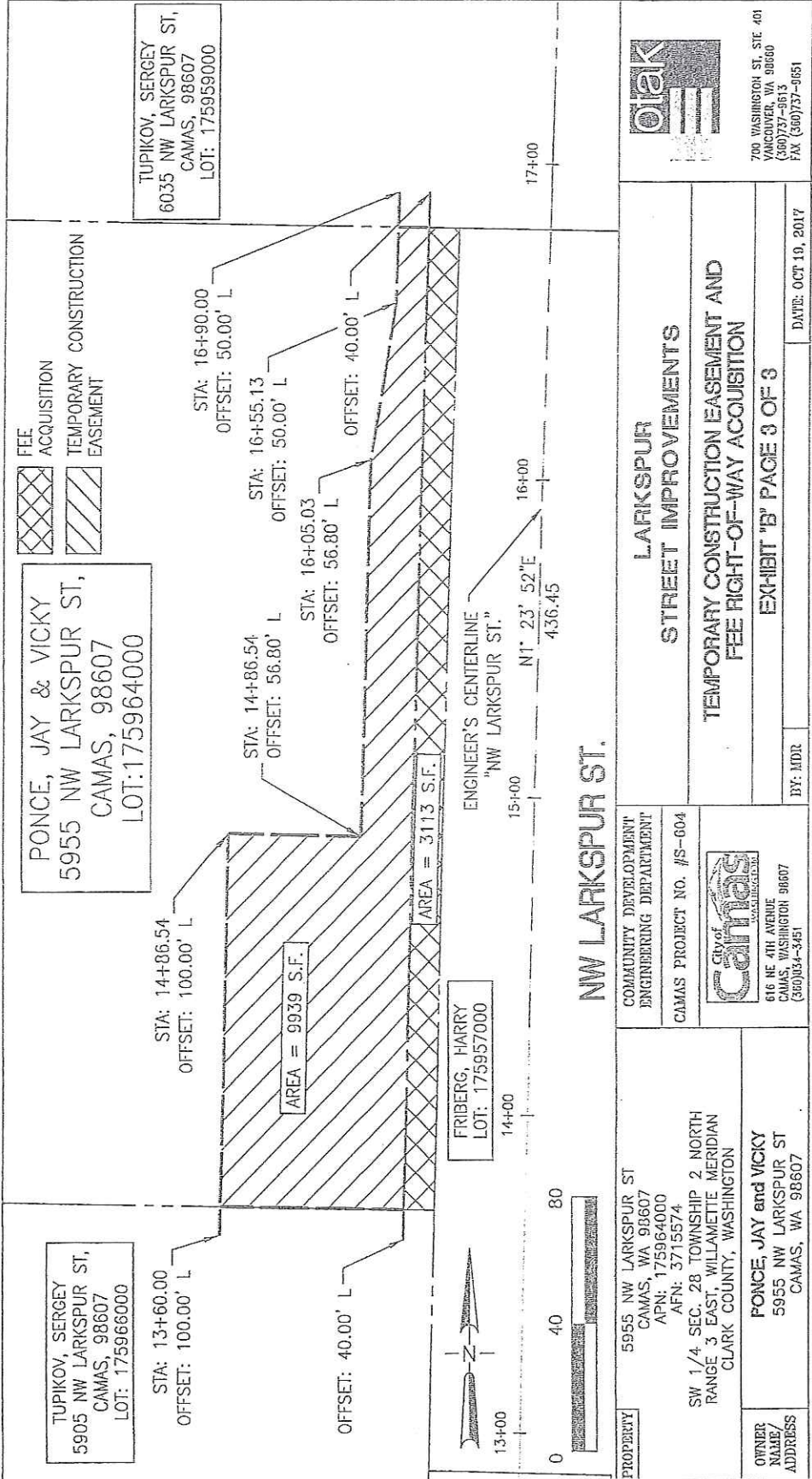
MAE/ke
PONJ0101.L01.wpd

Enclosures

cc: Client

¹⁰Letter dated January 8, 2018, from Jacob Balderas, PE, SE, to Jay Ponce (copy annexed hereto as Exhibit 4),

¹¹WAC 17-11-340(1).



700 WASHINGTON ST, STE 401
 VANCOUVER, WA 98660
 (360)737-3613
 FAX (360)737-9651

**LARKSPUR
 STREET IMPROVEMENTS**

**TEMPORARY CONSTRUCTION EASEMENT AND
 FEE RIGHT-OF-WAY ACQUISITION**

EXHIBIT "B" PAGE 3 OF 3

DATE: OCT 10, 2017

COMMUNITY DEVELOPMENT
 ENGINEERING DEPARTMENT
 CAMAS PROJECT NO. #S-604



616 NE 4TH AVENUE
 CAMAS, WASHINGTON 98607
 (360)934-3451

BY: MDR

5955 NW LARKSPUR ST
 CAMAS, WA 98607
 APN: 175964000
 AFN: 3715574
 SW 1/4 SEC. 28 TOWNSHIP 2 NORTH
 RANGE 3 EAST, WILLAMETTE MERIDIAN
 CLARK COUNTY, WASHINGTON

PONCE, JAY and VICKY
 5955 NW LARKSPUR ST
 CAMAS, WA 98607

OWNER
 NAME/
 ADDRESS

EXHIBIT 2

Page 5 of 8

EXHIBIT 2

Page 1 of 1

CURRENT PATH OF TRAVEL TO SHOP

RELOCATION OF FRONT 2-12' BAYS TO REAR OF SHOP

ADDITIONAL SEWER LATERAL

PROPOSED RETAINING WALL

NW LARKSPUR ST.

RECONFIGURE EXISTING SHARED DRIVEWAY

PROPERTY IMPACTS	
PROPAGATION CONSTRUCTION	None
EXCAVATION	None
OTHER	None

FULL SPECTRUM ENGINEERING, LLC
JACOB BALDERAS P.E., S.E.
STRUCTURAL & CIVIL ENGINEER

Date: January 8, 2018

Client: Jay Ponce
5955 NW Larkspur St.
Camas, WA 98607

Subject: Retaining walls (Project No. 17-104)

Mr. Ponce,

I have reviewed the preliminary geotechnical report prepared by Hart Crowser Dated December 1, 2017. Although there were no specific values given for the design of the proposed retaining walls, there is sufficient information to determine the feasibility of such designs. Please note that due to the soft soils on site, pin piles were recommended in the report to resist overturning forces with keyways to resist sliding forces. The design for such walls will require more effort and coordination between the civil, geotechnical and structural engineer.

I have also reviewed the Driveway Option 1 proposed by Steve Farnsworth. I am ready to coordinate the concrete retaining wall design effort based on the information presented thus far. In order to proceed, I would need the following:

- 1) Base of wall and retained soil profile for Driveway Option 1. This will set the retaining wall heights along the length of the wall.
- 2) Allowable pin pile capacities for the resistance of overturning forces as referenced in the geotechnical report.
- 3) Active and passive earth pressures for the wall design, including provisions for wall surcharge loading due to adjacent building structures and vehicular traffic on your property where it may occur.
- 4) Coefficient of friction values where pin piles may not be necessary for shorted wall heights as deemed appropriate by the geotechnical engineer upon inspection of the subgrade.
- 5) Seismic soil inertial forces and point of application along the height of the wall.

There may be other information that is needed, but I trust that the information will be published in the final geotechnical report when it becomes available. Once that information becomes available, I will provide you with a scope of services to begin the design.

I look forward to working on your project. Please let me know if you have any questions.

Best,

Jacob Balderas, PE, SE
Structural Engineer

EXHIBIT 2

Page 7 of 8

EXHIBIT 4

Page 1 of 1

Mark A. Erikson

From: Mark A. Erikson [mark@eriksonlaw.com]
Sent: Wednesday, March 28, 2018 1:29 PM
To: 'communitydevelopment@cityofcamas.us'
Cc: 'Kris@eriksonlaw.com'; 'rmaul@cityofcamas.us'
Subject: SEPA 18-05 Larkspur / Camas Meadows Drive Street Improvements
Attachments: sharpcopiereriksonlaw@gmail.com_20180328_132918.pdf

CONFIDENTIALITY NOTICE: This transmittal and any accompanying documents may contain information belonging to the sender which is protected by the attorney-client privilege. This information is confidential.

RESTRICTED USE: You may not use the information in this transmittal in any way if you are not the intended recipient. Do not read any part of this transmittal if you are not the person to whom it was directed. Call us immediately to arrange for a return of the documents if you received this transmittal in error.

TAX ADVICE NOTICE: According to Internal Revenue Service Circular 230, we are required to advise you as follows: Any tax advice contained in this communication is not intended to be used for the purposes of: (i) avoiding tax related penalties, nor (ii) promoting, marketing, or recommending any transaction, plan, or arrangement. Taxpayers may rely upon professional advice to avoid tax related penalties only if contained in a comprehensive tax opinion that conforms to stringent requirements.

Robert:

Please see attached comment to the above-referenced SEPA application.

Mark A. Erikson
Erikson & Associates, PLLC
Attorneys at Law
110 West 13th Street
Vancouver, Washington 98660-2904
Telephone (360) 696-1012
Facsimile (360) 737-0751

EXHIBIT 2
Page 8 Of 8



Community Development Department

Notice of Appeal and Public Hearing
Appeal of SEPA Determination for Larkspur Right of Way Improvements
(City File No. Appeal18-02)
(related file no. SEPA18-05)

“NOTICE IS HEREBY GIVEN” that the SEPA Determination of Non-significance (DNS) for the proposed Larkspur Street improvement project has been appealed to the City of Camas Hearings Examiner. The project location is NW Larkspur, just north of NW Lake Road and connecting to Camas Meadows Drive (.25 miles long). Also described as Section 28, Township 2 North, Range 3 East of the Willamette Meridian.

PUBLIC HEARING: The Larkspur Public Road Improvement SEPA Determination appeal (Appeal18-02) will be considered at a public hearing on **May 24, 2018, at 2:00 p.m.**, or soon thereafter, before the Hearings Examiner in the City Council Chambers, 616 NE 4th Avenue, Camas, WA.

APPLICATION MATERIALS: The notice of appeal included written findings from the appellant as required pursuant to Camas Municipal Code (CMC) 18.55.200.B. This document is available for viewing at the Community Development Department (616 NE 4th Avenue, Camas, WA) during regular business hours Monday – Friday 8 a.m. – 5 p.m.

COMMENT INFORMATION: Parties interested in commenting on this notice of appeal may testify in person at the hearing, or may submit written comments by regular mail (616 NE 4th Ave., Camas, WA), or by email to communitydevelopment@cityofcamas.us. If anyone prefers to submit written comments for staff to submit on their behalf at the hearing, those comments must be received by the City Clerk at 616 NE 4th Ave., Camas, WA 98607, **prior to 12:00 p.m.**, on May 24th, to be included in the record. Any questions regarding the application may be directed to Robert Maul, Planning Manager, at (360) 817-1568.

Participate: All citizens are entitled to have equal access to the services, benefits and programs of the City of Camas. Please contact the City Clerk at (360) 834-6864 for special accommodations if needed. The City will provide translators for non-English speaking persons who request assistance at least three working days prior to a public meeting or hearing.



PUBLIC WORKS

MEMORANDUM

TO: Joe Turner, Hearings Examiner

FROM: James Carothers, City Engineer and SEPA Applicant

DATE: 5/16/18

SUBJECT: Rebuttal to Appeal 18-02 Camas Meadows Drive/Larkspur Street SEPA 18-05

Project Overview

This proposed project will widen the existing Larkspur Street from the intersection of NW Lake Road northward to the recently installed Camas Meadows Drive Improvements, providing connectivity to Camas Meadows Drive to the northwest and Parker Street and Brady Road to the south. The existing roadway is approximately 36 feet in the vicinity of NW Lake Road but quickly narrows to 20 feet wide for the majority of the alignment. The road has a curb and an 8-foot wide sidewalk on the east side.

The proposed street improvements include the following:

- Replace the existing substandard roadway.
- Widen the road to urban arterial standards.
- Construct a traffic circle at the intersection with NE 61st Circle.
- Construct a turnaround at the north end of the project.
- Construct curb and gutter on the west side of the street along with new sidewalk and bike lane, and widened sidewalks on the east side of the street to 10 feet.
- Extend the existing stormwater system from the north to convey additional stormwater from the NW Larkspur Street Improvements.
- Install street lighting on the west side.
- Relocate the signal pole on NW corner of Larkspur and Lake Road

This project requires additional right of way to be acquired from six different property owners. A strip of land approximately 10 feet in width will need to be acquired from each adjacent property owner on the west side to increase the right-of-way to 70 feet throughout the project.

The project requires an easement for a cut on the appellant's property and ample room to match in the appellant's circular driveway. This requirement on the appellant's property is depicted in plan and section views in Exhibit 4. Easements for similar reasons are needed from the appellant's neighbor to the north and south.

Appeal Rebuttal

This appeal, without additional discussion, merely notes “soils, topography, unique physical features, erosion, scenic resources and aesthetics.” The City is therefore not in a position to meaningfully address the alleged deficiencies in the determination but believes that the application is supportable by the plans and reports which were submitted. The City will have representatives available at the SEPA hearing to provide additional information if needed.

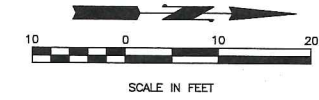
The substantial majority of the appeal relates to the scope of the property rights which the City is requesting through eminent domain proceedings which are not part of the SEPA process. The scope of the property rights will be determined by the court. The City Attorney will be present at the hearing to provide additional information concerning this matter, but the references relating to the designation of the area as a “temporary construction easement” or a “take” are not relevant for purposes of the appeal.

Corrections

City staff finds that there is erroneous information submitted by the appellant. On Page 3, paragraph 2, the appellant states, “Otak also prepared an alternative design using retaining walls and relocating the existing shop building, instead of the exorbitant cut and excavation discussed above. A copy of this retaining wall design is annexed hereto as Exhibit 3...” While the title block on Exhibit 2, Page 6 of 8, and referenced in the text as Exhibit 3, contains the City of Camas and Otak logos, neither the City of Camas staff, Otak nor any other representative of the City proposed or produced this drawing. The driveway access shown in this exhibit is an incursion upon the neighbor’s property. The City is not and has never proposed to move the appellant’s structure on the north portion of the property. The City maintains that there is no need to change its location as part of the project.

Exhibit 2, Page 4 of 8 does not accurately depict the easement area on the appellant’s property that is required for the project. See Exhibit 5 for the correct easement area on which the City-authorized appraisal, offer to the appellant and eminent domain action are based.

Exhibit 4
 APPEAL18-02 & SEPA18-05



616 NE 4TH AVENUE
 CAMAS, WA 98607
 PH:(360) 834-3451

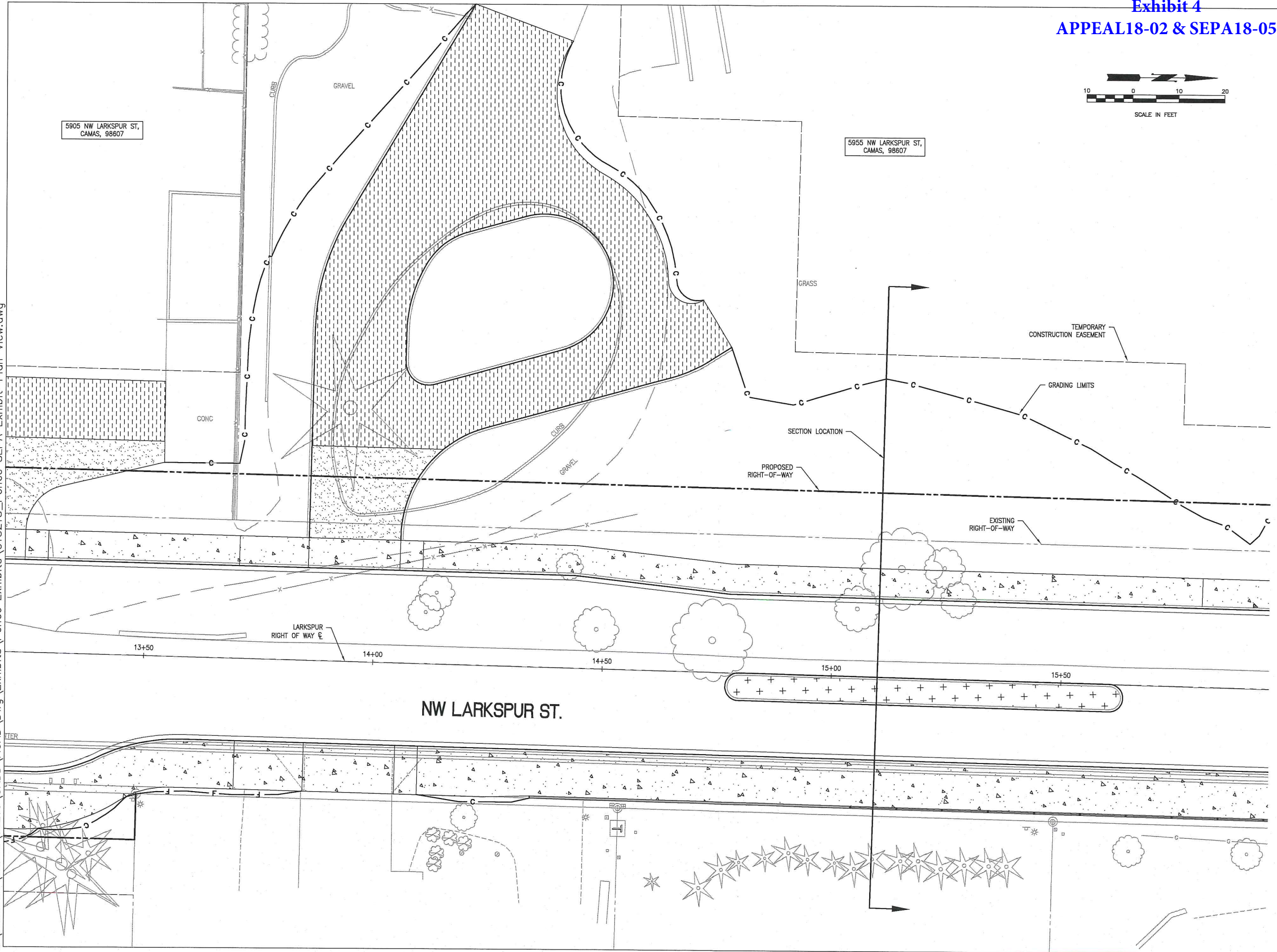


DEPARTMENT OF PUBLIC WORKS

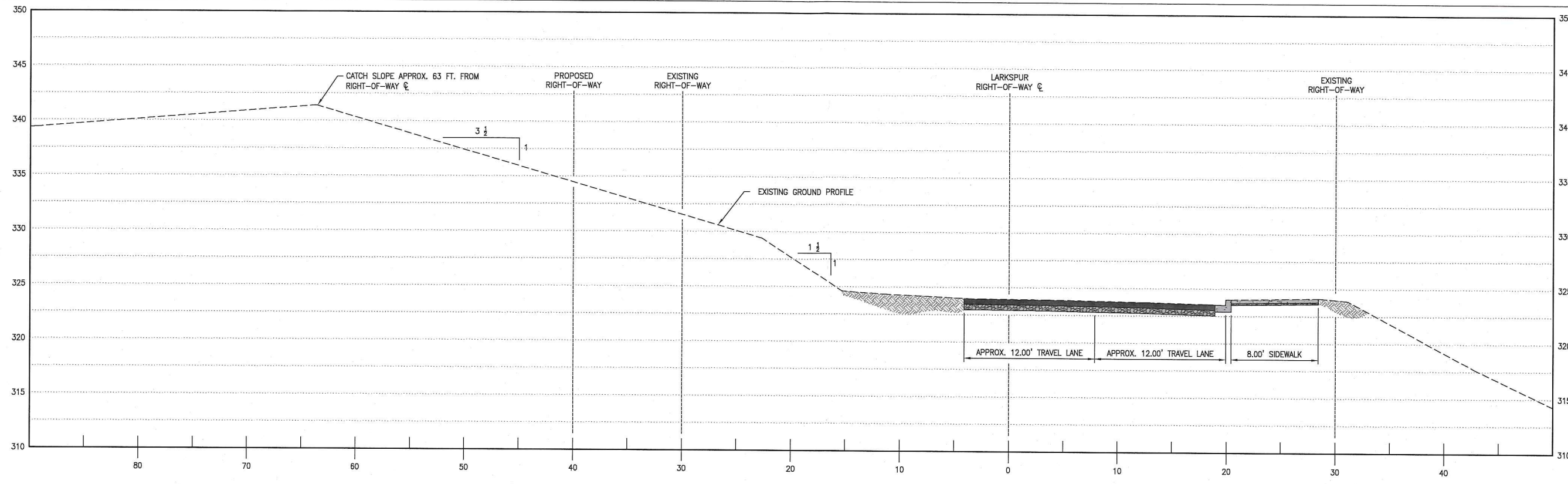
NW CAMAS MEADOWS DRIVE/
 NW LARKSPUR STREET IMPROVEMENTS
 EXHIBIT



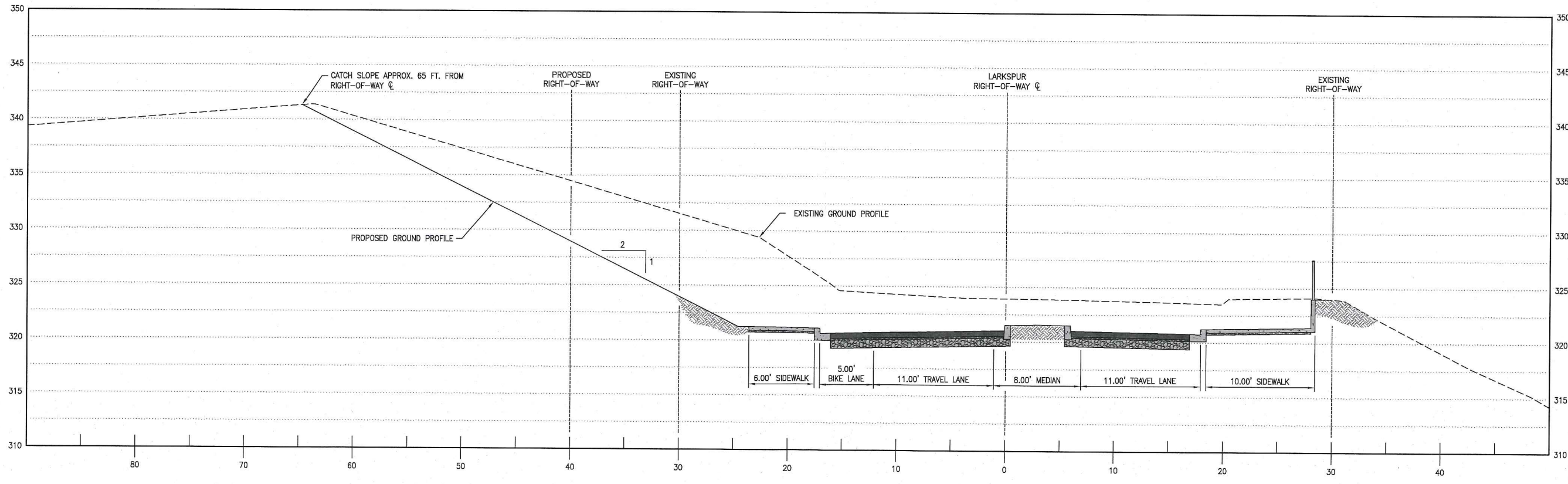
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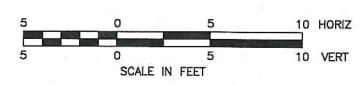
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EXISTING CONDITIONS



IMPROVED CONDITIONS



Otak
 Otak, Inc.
 700 Washington St., Suite 300
 Vancouver, WA 98660
 360.737.9613
 www.otak.com

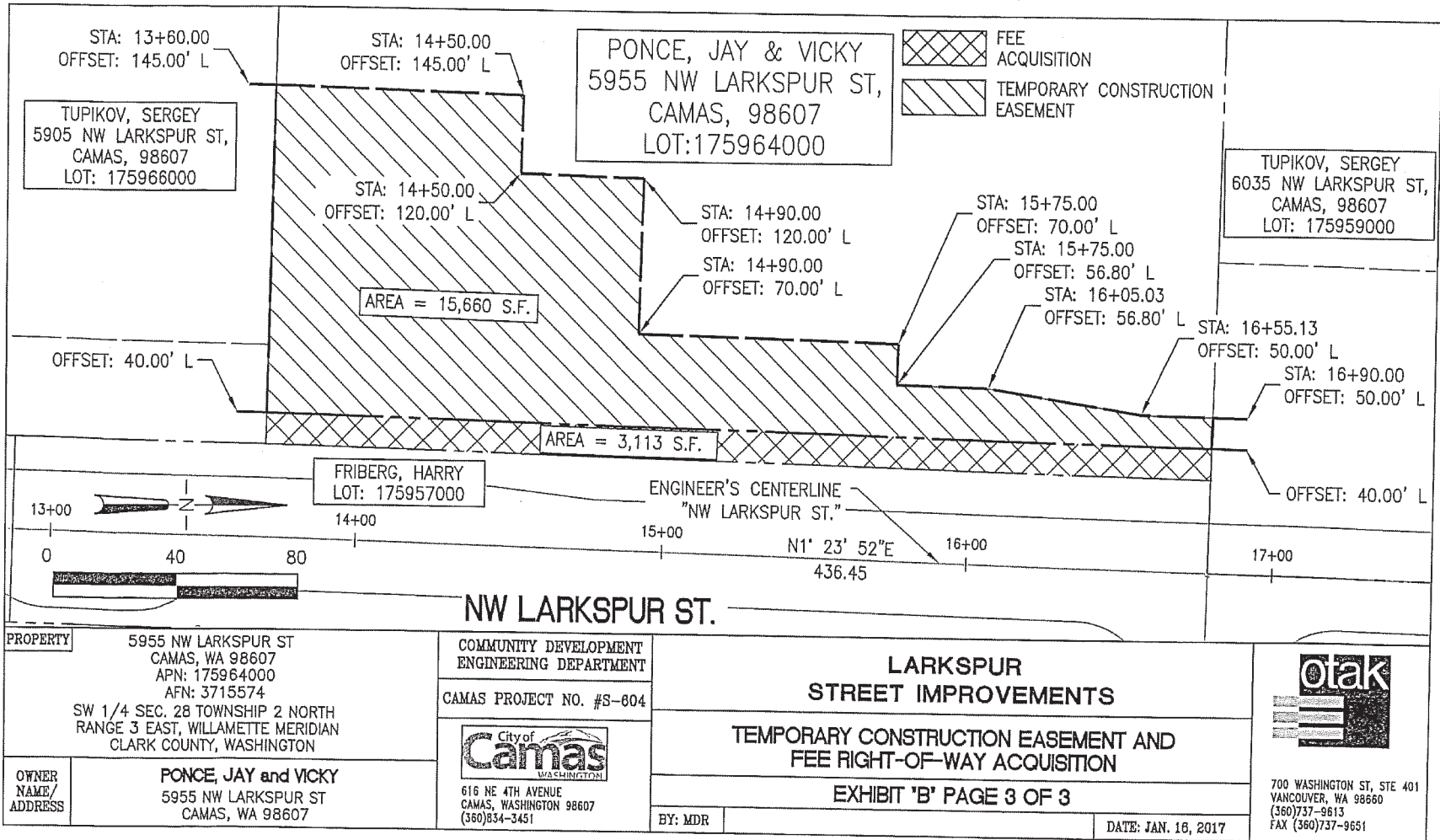
616 NE 4TH AVENUE
 CAMAS, WA 98607
 PH: (360) 834-3451



DEPARTMENT OF PUBLIC WORKS

NW CAMAS MEADOWS DRIVE/
 NW LARKSPUR STREET IMPROVEMENTS
 EXHIBIT

Exhibit 5
APPEAL18-02 & SEPA18-05



PROPERTY
 5955 NW LARKSPUR ST
 CAMAS, WA 98607
 APN: 175964000
 AFN: 3715574
 SW 1/4 SEC. 28 TOWNSHIP 2 NORTH
 RANGE 3 EAST, WILLAMETTE MERIDIAN
 CLARK COUNTY, WASHINGTON

OWNER NAME/ ADDRESS
PONCE, JAY and VICKY
 5955 NW LARKSPUR ST
 CAMAS, WA 98607

**COMMUNITY DEVELOPMENT
 ENGINEERING DEPARTMENT**
 CAMAS PROJECT NO. #S-804

City of Camas
 WASHINGTON
 616 NE 4TH AVENUE
 CAMAS, WASHINGTON 98607
 (360)834-3451

**LARKSPUR
 STREET IMPROVEMENTS**

**TEMPORARY CONSTRUCTION EASEMENT AND
 FEE RIGHT-OF-WAY ACQUISITION**

EXHIBIT 'B' PAGE 3 OF 3

BY: MDR

DATE: JAN. 16, 2017

otak

700 WASHINGTON ST, STE 401
 VANCOUVER, WA 98660
 (360)737-9613
 FAX (360)737-9651

Date Published: March 15, 2018

To Whom It May Concern:

Please find enclosed a Determination of Non-Significance (DNS) for the **Larkspur Street Improvements Project (SEPA18-05)** that was issued pursuant to the State Environmental Policy Act (SEPA) Rules, Chapter 197-11, Washington Administrative Code. The enclosed review comments reflect evaluation of the environmental checklist by the lead agency as required by WAC 197-11-330(1)(a)(i).

The following materials were submitted with the initial application:

- Project Narrative
- Critical Areas Findings Memo
- Geotechnical Report
- Traffic Report
- Plans
- Archaeological Report

The application materials are available for review upon request from the Community Development Department with the exception of the archaeological information (RCW 42.56.300).

Written comments may be submitted on this determination within fourteen (14) days of its issuance, after which the DNS will be reconsidered in light of the comments received.

Please address all correspondence to:

City of Camas, SEPA Official
Community Development Department
616 NE Fourth Avenue
Camas, Washington 98607
communitydevelopment@cityofcamas.us

Distribution:

Bureau of Indian Affairs
C-Tran
Camas School District
Camas City Administrator, Peter Capell
Camas Building Official, Bob Cunningham
Camas Community Development Director, Phil Bourquin
Camas Engineering Department Managers and Staff
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Chinook Indian Nation
Cultural Resource Program, Cowlitz Indian Tribe
Cultural Resource Program, Yakama Indian Nation
Clark County Community Development
Clark County Department of Environmental Services
Clark County Public Works – Development Engineering Program
Clark County Department of Transportation
Clark County Natural Resources Council
Clark Public Utilities
Department of Ecology
Department of Fish and Wildlife, Region 5
Department of Natural Resources, SEPA Center
Southwest Clean Air Agency
US Army Corps of Engineers
Vancouver-Clark Parks and Recreation
Washington Office of Archaeology & Historic Preservation
Washington State Department of Transportation
Washington State Parks and Recreation Commission, Environmental Program
Property Owners within 300 feet *(mailed the SEPA Determination & map)*



State Environmental Policy Act
Determination of Non-Significance

CASE NO: SEPA18-05 Larkspur / Camas Meadows Drive Street Improvements

APPLICANT: City of Camas
Jim Hodges
616 NE 4th Avenue
Camas, WA 98607

REQUEST: The applicant is proposing to widen an existing roadway to add full improvements that include curb, gutter, sidewalk, planter strips, and medians.

LOCATION: NW Larkspur, just north of NW Lake Road and connecting to Camas Meadows Drive (.25 miles long).

LEGAL DESCRIPTION: Section 28, Township 2 North, Range 3 East of Willamette Meridian.

SEPA DETERMINATION: Determination of Non-Significance (DNS)

COMMENT DEADLINE: **March 29, 2018, at 5:00 p.m.**

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], the City of Camas must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- DS = Determination of Significance (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS).
- MDNS = Mitigated Determination of Non-Significance (The impacts can be addressed through conditions of approval), or;
- DNS = Determination of Non-Significance (The impacts can be addressed by applying the Camas Municipal Code).

Determination:

Determination of Non-Significance (DNS). The City of Camas, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(e). This decision was made after review of a completed environmental checklist, and other information on file with the City of Camas.

Date of Publication & Comment Period:

Publication date of this DNS is **March 15, 2018**, and is issued under WAC 197-11-340. The lead agency will not act on this proposal until the close of the 14-day comment period, which ends on **March 29, 2018**. Comments may be sent by email to communitydevelopment@cityofcamas.us.

SEPA Appeal Process:

An appeal of any aspect of this decision, including the SEPA determination and any required mitigation, must be filed with the Community Development Department within fourteen (14) calendar days from the date of the decision notice. The letter of appeal should contain the following information.

1. The case number designated by the City of Camas and the name of the applicant; and,
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Title 16 of the Camas Municipal Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the City Planner. All contact with the City Planner regarding the petition, including notice, shall be with this contact person.

The appeal request and appropriate fee must be submitted to the Community Development Department between 8:00 a.m., and 5:00 p.m., Monday through Friday, at the address listed below:

Appeal to the City of Camas SEPA Official
Community Development Department
616 NE Fourth Avenue
Camas, Washington 98607

Responsible Official: Robert Maul (360) 817-1568

 _____ Robert Maul, Planning Manager and Responsible Official	March 15, 2018 _____ Date of publication
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SEPA Checklist

Project Narrative

Project Description and Benefits

The NW Larkspur Street Improvements project is located in the City of Camas, Washington. The proposed project will widen the existing road from the intersection of NW Lake Road towards the current northern terminus (dead end) of the road, providing connectivity to future private developments. The existing roadway is currently approximately 20 feet wide for the majority of the alignment, but widens to approximately 36 feet in the vicinity of NW Lake Road. The road has a curb and an 8-foot wide sidewalk on the east side and sidewalk on both sides near NW Lake Road.

The proposed street improvements include the following:

- Replacing the existing roadway.
- Widen the road to approximately 38 feet including center medians.
- Construct a traffic circle at the intersection with NE 61st Circle.
- Construct a turnaround at the north end of the project.
- Construct curb and gutter on the west side of the street along with new sidewalk and bike lane, and widened sidewalks on the east side of the street to 10 feet.
- Extend the existing stormwater system from the north to convey additional stormwater from the NW Larkspur Street Improvements.
- Install street lighting on the west side.
- Relocate signal pole on NW corner of Larkspur and Lake Road

Both the widened road and the stormwater system will connect to improvements being built with the Village at Camas Meadows and Parklands at Camas Meadows projects. The project will upgrade NW Larkspur Street to city arterial standards and match up with a new roadway to be constructed with new developments to the north. The upgraded roadway will include two travel lanes, a turn lane or median, with a new sidewalk on the west side (maintaining the existing sidewalk on the east side), bicycle lanes, planter strips, and street lighting. Stormwater, water and sewer utilities will be provided to each lot on the west side to allow for future development, and stormwater management will include water quality treatment and conveyance.

The improvements to NW Larkspur Street will increase the capacity of the street to accommodate the anticipated increase in traffic from new developments to the north. The improvements will increase traffic safety and provide for pedestrian and bicycle travel through the corridor.

Potential Impacts

The widening of the NW Larkspur Street right of way is anticipated to require the acquisition of 40,280 square feet by the City from six different property owners. A strip of land approximately 10 feet in width will need to be acquired from adjacent property owners on the west side to increase the right-of-way to 70 feet throughout the project.

Permits Required

In order to build this project, the following permits will be needed:

SEPA Checklist Project Narrative

State of Washington

- SEPA checklist
- Stormwater Pollution Prevention Plan (SWPPP)
- General Construction Stormwater Permit (DOE)

City of Camas

- Critical Areas Review

Project Funding

The project is being funded through a combination of local and state funds and the total construction cost will be approximately \$4,375,000. The City of Camas successfully applied for and has received Fuel Tax grant funding from the Washington State Transportation Improvement Board. The grant will be used to fund part of the roadway improvements to NW Larkspur Street and connect it to Camas Meadows Drive.

Project Participants

The City of Camas, represented by City Engineer James Carothers and Project Manager Jim Hodges, is overseeing the project. The City has selected Otak, Inc. and associated subconsultants to provide civil engineering services. The Project Manager for Otak is Allen Hendy, PE.

Contact Information:

James Carothers
City of Camas
616 NE 4th Avenue
Camas, WA 98607
360-817-1561
communitydevelopment@cityofcamas.us

Allen Hendy
Otak, Inc.
700 Washington Street, Suite 300
Vancouver, WA 98660
360-906-6786
allen.hendy@otak.com

SEPA ENVIRONMENTAL CHECKLIST

Purpose of checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Instructions for Lead Agencies:

Please adjust the format of this template as needed. Additional information may be necessary to evaluate the existing environment, all interrelated aspects of the proposal and an analysis of adverse impacts. The checklist is considered the first but not necessarily the only source of information needed to make an adequate threshold determination. Once a threshold determination is made, the lead agency is responsible for the completeness and accuracy of the checklist and other supporting documents.

Use of checklist for nonproject proposals: [\[help\]](#)

For nonproject proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the [SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS \(part D\)](#). Please completely answer all questions that apply and note that the words "project," "applicant," and "property or site" should be read as "proposal," "proponent," and "affected geographic area," respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements –that do not contribute meaningfully to the analysis of the proposal.

A. Background [\[help\]](#)

1. Name of proposed project, if applicable: [\[help\]](#)

NW Larkspur/ Camas Meadows Drive Street Improvements

2. Name of applicant: [\[help\]](#)

City of Camas

3. Address and phone number of applicant and contact person: [\[help\]](#)

Jim Hodges and Jim Carothers

616 NE 4th Avenue

Camas, WA 98607

360-834-3451

4. Date checklist prepared: [\[help\]](#)

December 4, 2017

5. Agency requesting checklist: [\[help\]](#)

City of Camas

6. Proposed timing or schedule (including phasing, if applicable): [\[help\]](#)

Bid Process: 3/1/18 – 4/2/18

Construction Phase: 4/30/18 – 12/28/18

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain. [\[help\]](#)

No. The proposed road widening connects to the Camas Meadows Drive Extension Project, which will be completed by others.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal. [\[help\]](#)

Critical Areas Memo dated December 5, 2017, prepared by Otak (see Attachment 1).

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain. [\[help\]](#)

Transportation Improvement Board (TIB) Review will be completed at 95%

10. List any government approvals or permits that will be needed for your proposal, if known. [\[help\]](#)

- **SEPA Review and Determination (City of Camas/State of Washington)**
- **NPDES Permit for Construction (Department of Ecology)**
- **Grading Permit (City of Camas)**
- **Preliminary and Final Civil Plan Approval (City of Camas)**

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.) [\[help\]](#)

The proposed project will widen the existing road from the intersection of NW Lake Road towards the current northern terminus (dead end) of the road, providing improved connectivity to future private developments to be completed by others in 2017. The existing roadway is currently 20 feet wide for the majority of the alignment, but widens to approximately 36 feet in the vicinity of NW Lake Road. The road has curb and an 8-foot sidewalk on the east side and sidewalk on both sides near NW Lake Road.

The proposed street improvements include the following:

- **Widen the road to 40-foot including center medians.**
- **Construct a roundabout at the intersection of NE 61st Circle.**
- **Construct a turnaround at the north end of the project.**
- **Construct curb and gutter on the west side of the street along with new sidewalks on the west side, and widened sidewalks on the east side of the street.**
- **Reconfigure the existing stormwater system to convey additional stormwater from the NW Larkspur Street Improvements.**
- **Construct street light w/s stubs.**

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist. [\[help\]](#)

The NW Larkspur Street Improvement project is located in the City of Camas, Washington on NW Larkspur between the intersection of NW Lake Road and the road terminus to the north, 0.25 miles. Section, Township, and Range – Section 28, Township 2 North, Range 3 East of the Willamette Meridian, City of Camas, Clark County, Washington. See the site plan on page 17.

B. Environmental Elements [\[help\]](#)

1. Earth [\[help\]](#)

a. General description of the site: [\[help\]](#)

(circle one): Flat, **rolling** hilly, steep slopes, mountainous, other _____

Hilly with slopes on-site that vary from flat to steep (2.6%-17.6%).

b. What is the steepest slope on the site (approximate percent slope)? [\[help\]](#)

A portion of the roadway grade slopes at 17.6%.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. [\[help\]](#)

Borings were advanced on the site on April 18 and May 5, 2017, by a licensed geotechnical engineering firm. Site soils contain substantial clay deposits (Hesson soils), classified as hydrologic soil group C. No agricultural land or long-term commercial significance is present on site. See the geotechnical report included as Attachment B.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe. [\[help\]](#)

There is no indication of unstable soils on-site.

e. Describe the purpose, type, total area, and approximate quantities and total affected area of any filling, excavation, and grading proposed. Indicate source of fill. [\[help\]](#)

The purpose of the site grading is to excavate for road improvements, and match grade along the corridor with cut or fill as needed. Approximately 1.06 acres will be disturbed to build the road.

Estimated cut and fill quantities:

- Cut = 3,700 Cu. Yd.
- Fill = 150 Cu. Yd.

Imported fill material will be checked to minimize the transport of invasive species.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. [\[help\]](#)

Erosion could occur as a result of construction/clearing, however, erosion control measures will be implemented during construction in accordance with the City of Camas and Ecology Construction Stormwater General Permit requirements.

Proposed measures to reduce and control erosion, or other impacts to the earth, will be outlined in the completed Stormwater Pollution Prevention Plan (SWPPP). The SWPPP will include Best Management Practices (BMPs) that will be employed throughout the project to minimize impacts. The SWPPP will also include practices for the prevention of spills.

Specific BMPs related to erosion will include:

- Sediment fence

- Inlet protection
- Stabilized construction entrances, roads, and parking areas
- Wheel washes
- Temporary and permanent seeding
- Mulching
- Certified erosion and sediment control lead

g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)? [\[help\]](#)

Approximately 94 percent of the site will be covered with an asphalt road and concrete sidewalks.

h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: [\[help\]](#)

Proposed erosion control measures will be in place during all construction activities from April – December 2018.

- Silt fence, inlet protection measures, construction entrance, stockpile protection

2. Air [\[help\]](#)

- a. What types of emissions to the air would result from the proposal during construction, operation, and maintenance when the project is completed? If any, generally describe and give approximate quantities if known. [\[help\]](#)

Demolition and construction activities on the project site could stir up dust particles. Construction vehicles and equipment will also be a potential source of exhaust emissions.

The equipment to be used could include:

- Excavator
- Pickup truck
- Semi-truck (deliveries)
- Dump truck
- Front end loader
- Back hoe
- Compactor (ground)
- Concrete pumping truck
- Paver

Additionally, emissions related to asphalt pavement installation (1 acre).

Vehicular emissions will occur after construction is complete

- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe. [\[help\]](#)

No off-site sources of emission or odor will affect the proposal.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any: [\[help\]](#)

This project will comply with all federal, state, and local pollution control standards. Because no long-term adverse air quality effects are expected from the project, no long-term mitigation measures will be required. For short-term construction impacts, contractors are required to take reasonable precautions to avoid dust emissions, along with other construction-related air quality mitigation measures, to reduce the potential for air quality impacts during construction. These measures include watering the ground as needed before and during construction and grading activities and not “idling” equipment.

3. Water [\[help\]](#)

a. Surface Water:

- 1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into. [\[help\]](#)

Lacamas Lake is the closest surface water body to the site (within a 0.5 mile). After treatment the runoff from the site discharges to the lake. The lake is flow control exempt and phosphorus limited.

There are no known wetlands in the project vicinity. See the Critical Areas Report for details.

- 2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans. [\[help\]](#)

No

- 3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material. [\[help\]](#)

There will not be any placement of fill or dredging within a surface water or wetland for this project.

- 4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

No surface water withdrawals or diversion are proposed or expected to occur

- 5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan. [\[help\]](#)

No, the project site is not within the 100-yr floodplain

- 6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. [\[help\]](#)

The project proposal does not involve discharges of waste material to any surface waters.

b. Groundwater:

- 1) Will groundwater be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known. [\[help\]](#)

No groundwater will be withdrawn for this project.

- 2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve. [\[help\]](#)

No waste material will be discharged into the ground from septic tanks or other sources.

c. Water runoff (including stormwater):

- 1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. [\[help\]](#)

Stormwater from roadway pavement will be the main source of runoff from the site. The proposed project generates stormwater runoff that is collected by a proposed stormwater collection and treatment system in accordance with the requirements of the City of Camas for stormwater collection and treatment. The runoff will be treated with storm filters (designed to target oils, heavy metals, and phosphorous) prior to discharge to Lacamas Lake, which is a flow control exempt water body.

- 2) Could waste materials enter ground or surface waters? If so, generally describe. [\[help\]](#)

Any time that runoff is exposed to pollutant generating surfaces like roads, there is a chance for waste materials like oils and heavy metals to enter the downstream system. However, this will be mitigated by storm filters before being discharged to Lacamas Lake.

- 3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? If so, describe. [\[help\]](#)

Yes, the project alters drainage patterns in the vicinity of the site by constructing a crowned section of roadway. NW Larkspur Street currently sheds eastwardly, sending the stormwater runoff to an existing flow control and water quality facility near the existing pump station (at NE side of the terminus of the street).

Stormwater runoff from the new impervious surfaces (west side of the road) will not be conveyed to the existing flow control facility. West side flow will be treated and then discharged to Lacamas Lake via a new stormwater main. The east side of the road will continue to drain to the existing stormwater management facilities.

- d. Proposed measures to reduce or control surface, ground, and runoff water, and drainage pattern impacts, if any: [\[help\]](#)

New catch basins will be constructed at low points along the west side of NW Larkspur Street to control stormwater surface runoff from new impervious surfaces. The runoff will be treated (including treatment for phosphorus) prior to reaching the Lacamas Lake.

4. Plants [\[help\]](#)

- a. Check the types of vegetation found on the site: [\[help\]](#)

deciduous tree: Alder, Maple, Other
 evergreen tree: Douglas Fir, Cedar, Pine
 grass: Rye, Blue Grass
 shrubs

- b. What kind and amount of vegetation will be removed or altered? [\[help\]](#)

Approximately 21 total trees ranging from 4"-36" in diameter, and various shrubs will be removed as part of the project

- c. List threatened and endangered species known to be on or near the site. [\[help\]](#)

To our knowledge, there are no threatened or endangered plant species on or near the project site.

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: [\[help\]](#)

The proposal includes street trees, storm facility plantings, and ground cover. The landscape plan will feature plant species native to the NW in addition to specimen plants and lawn areas. All areas disturbed during construction will be repaired and reseeded.

- e. List all noxious weeds and invasive species known to be on or near the site. [\[help\]](#)

Himalayan Blackberry

5. Animals [\[help\]](#)

- a. List any birds and other animals which have been observed on or near the site or are known to be on or near the site. [\[help\]](#)

Examples include:

birds: **hawk**, heron, eagle, **songbirds**, ducks, seagulls

mammals: **deer**, bear, elk, **rabbits**

fish: none

Hawk, songbirds, deer, and rabbits have been observed or are known to be near the site.

- b. List any threatened and endangered species known to be on or near the site. [\[help\]](#)

To our knowledge, there are no threatened or endangered species known to be on or near the site.

- c. Is the site part of a migration route? If so, explain. [\[help\]](#)

The proposed site, as does much of Clark County, lies within the Pacific flyway for migratory waterfowl. However, the project site has not been identified as having priority species habitat designations for migratory species.

- d. Proposed measures to preserve or enhance wildlife, if any: [\[help\]](#)

None

- e. List any invasive animal species known to be on or near the site. [\[help\]](#)

None. No animal species on the priority species list of the Washington Invasive Species Council have been observed at or near the site.

6. Energy and Natural Resources [\[help\]](#)

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc. [\[help\]](#)

Electricity to serve street lights and signals

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe. [\[help\]](#)

No

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any: [\[help\]](#)

Energy saving lighting to include LED to meet or exceed the Washington State Energy Code.

7. Environmental Health [\[help\]](#)

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe. [\[help\]](#)

No environmental health hazards are foreseen.

- 1) Describe any known or possible contamination at the site from present or past uses. [\[help\]](#)

None known

- 2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity. [\[help\]](#)

None known

- 3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project. [\[help\]](#)

Petroleum-based products used with standard construction equipment.

- 4) Describe special emergency services that might be required. [\[help\]](#)

None known

- 5) Proposed measures to reduce or control environmental health hazards, if any: [\[help\]](#)

Contractor will be required to provide a Spill Prevention, Control, and Countermeasure (SPCC) plan for construction on the site.

b. Noise [\[help\]](#)

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? [\[help\]](#)

Minimal traffic noise.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. [\[help\]](#)

Short-term construction noise will be managed per City of Camas ordinance.

During construction, short-duration increases in the local noise environment are expected. The contractors are required to comply with all applicable regulations governing equipment levels and noise resulting from construction site activities. The City noise ordinance (CMC 9.32.050) permits unrestricted construction noise between 7 a.m. and 7 p.m. Monday through Friday and from 7 a.m. to 5 p.m. on Saturdays. Therefore, as long as all construction is performed during these daytime hours, no direct construction related impacts are predicted. Although it is assumed that all construction could be performed during daytime hours, if nighttime construction were proposed, a request for a noise variance from the City would be required. The Washington Administrative Code (Chapter 173-60) exempts most project construction noise during normal daytime hours (7 a.m. to 10 p.m.). If construction is performed during the nighttime, the contractors must meet special noise-level requirements.

No long-term noise impacts are anticipated.

3) Proposed measures to reduce or control noise impacts, if any: [\[help\]](#)

Limit hours of construction activities to hours allowed by City of Camas noise ordinance and bid documents.

8. Land and Shoreline Use [\[help\]](#)

a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. [\[help\]](#)

The current use of the site is to provide access to single family residences on NW Larkspur Street. The surrounding properties are also zoned as single family residential, residential, and business park. The proposal will not affect the current land uses on nearby or adjacent properties.

b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agricultural or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to nonfarm or nonforest use? [\[help\]](#)

The specifics of past agricultural use along the project corridor are unknown. The project site was zoned agricultural in the 1979 comprehensive Plan, transitioning to a suburban zoning during the 1994 comprehensive plan.

1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling, and harvesting? If so, how: [\[help\]](#)

No

c. Describe any structures on the site. [\[help\]](#)

Single family residences along NW Larkspur Street, vacant lands, sanitary pump station, and a flow control and water quality facility at the NE end of the street.

d. Will any structures be demolished? If so, what? [\[help\]](#)

No structures will be demolished

e. What is the current zoning classification of the site? [\[help\]](#)

The current zoning of the site is Single Family Residential (R-7.5). However, zoning does not apply to public right-of-way.

f. What is the current comprehensive plan designation of the site? [\[help\]](#)

The current comprehensive plan designation of the site is Urban Low Density, Single Family Medium

g. If applicable, what is the current shoreline master program designation of the site? [\[help\]](#)

Not applicable as the site is not near a shoreline

h. Has any part of the site been classified as a critical area by the city or county? If so, specify. [\[help\]](#)

No

i. Approximately how many people would reside or work in the completed project? [\[help\]](#)

None, the completed project is limited to widening the road.

j. Approximately how many people would the completed project displace? [\[help\]](#)

None

k. Proposed measures to avoid or reduce displacement impacts, if any: [\[help\]](#)

None required

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: [\[help\]](#)

None

g. Proposed measures to reduce or control impacts to agricultural and forest lands of long-term commercial significance, if any: [\[help\]](#)

None required

9. Housing [\[help\]](#)

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. [\[help\]](#)

None

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing. [\[help\]](#)

None

c. Proposed measures to reduce or control housing impacts, if any: [\[help\]](#)

None required

10. Aesthetics [\[help\]](#)

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed? [\[help\]](#)

Light poles will be constructed at approx. 34 feet mounting height for street illumination.

b. What views in the immediate vicinity would be altered or obstructed? [\[help\]](#)

No views would be obstructed within in the immediate vicinity.

c. Proposed measures to reduce or control aesthetic impacts, if any: [\[help\]](#)

None required

11. Light and Glare [\[help\]](#)

a. What type of light or glare will the proposal produce? What time of day would it mainly occur? [\[help\]](#)

LED with controlled reflection. Dusk to Dawn.

b. Could light or glare from the finished project be a safety hazard or interfere with views? [\[help\]](#)

No

c. What existing off-site sources of light or glare may affect your proposal? [\[help\]](#)

None

d. Proposed measures to reduce or control light and glare impacts, if any: [\[help\]](#)

Directional lighting will be installed

12. Recreation [\[help\]](#)

a. What designated and informal recreational opportunities are in the immediate vicinity? [\[help\]](#)

Camas Meadows Golf Course north of the site, Lacamas Lake, Lacamas Lake Trails, bike lanes on NW Lake Rd, and Skyridge Middle School are nearby.

b. Would the proposed project displace any existing recreational uses? If so, describe. [\[help\]](#)

No

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any: [\[help\]](#)

None required

13. Historic and cultural preservation [\[help\]](#)

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers? If so, specifically describe. [\[help\]](#)

None known. See attached archaeological determination.

- b. Are there any landmarks, features, or other evidence of Indian or historic use or occupation? This may include human burials or old cemeteries. Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Please list any professional studies conducted at the site to identify such resources. [\[help\]](#)

No evidence of archeological resources was present during the study by Applied Archaeological Research Inc., and it was determined that archeological resources are not likely to be present in the area.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples include consultation with tribes and the department of archeology and historic preservation, archaeological surveys, historic maps, GIS data, etc. [\[help\]](#)

Pedestrian survey and excavation of 17 shovel test probes along a transect.

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required. [\[help\]](#)

In the event archeological material is encountered during the project, ground disturbing activity will be halted and on-site review will be conducted in accordance with State law and City of Camas requirements. Project specifications will provide guidance to the contractor in conformance with WSDOT Road and Bridge for Municipal Construction.

14. Transportation [\[help\]](#)

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plans, if any. [\[help\]](#)

The site will be accessed from the intersection of NW Larkspur Street and NW Lake Rd. NW Lake Rd provides direct access to SR-500.

- b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? [\[help\]](#)

The site is not served by public transit. The distance to the nearest transit stop is 1.5 miles on SE 192nd and Mill Plain.

- c. How many additional parking spaces would the completed project or non-project proposal have? How many would the project or proposal eliminate? [\[help\]](#)

None

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). [\[help\]](#)

Yes. The proposed project is a road improvement project that will improve approximately 0.25 miles of NW Larkspur Street. The improvements will include widening the road, installing new curb, sidewalk, and bike lanes along the west side of NW Larkspur Street and widening sidewalks along the east side of NW Larkspur Street. This is a public improvement.

- e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. [\[help\]](#)

None

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and nonpassenger vehicles). What data or transportation models were used to make these estimates? [\[help\]](#)

Current peaks at the intersection of NW Lake Rd and NW Larkspur Street occur in the morning between 7:30-8:30 am, with 6% heavy truck traffic, and in the evening between 5:00-6:00 pm with 1% heavy truck traffic. Traffic counts were performed by Quality Counts, using the Total Entering Volume method for determining the Peak Hour. See the traffic analysis memo included as Attachment 4.

The project is intended to increase capacity of NW Larkspur Street to serve the future road extension (completed under a separate project). However, there will be no additional vehicular trips generated directly after the completion of the project as the road will continue to dead end in the existing location.

- g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. [\[help\]](#)

None

- h. Proposed measures to reduce or control transportation impacts, if any: [\[help\]](#)

The widening of the road will help to alleviate congestion on the sections of NW Larkspur Street that have a half width of road.

15. Public Services [\[help\]](#)

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, public transit, health care, schools, other)? If so, generally describe. [\[help\]](#)

None

- b. Proposed measures to reduce or control direct impacts on public services, if any. [\[help\]](#)

None required

16. Utilities [\[help\]](#)

- a. Circle utilities currently available at the site: [\[help\]](#)
electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other _____

Water, sanitary sewer, electricity, refuse service, fiber optics, telephone, and natural gas.

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [\[help\]](#)

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed. [\[help\]](#)

- **Irrigation Water:** City of Camas – connect to existing water service to irrigate new raised island landscape, if needed.
- **Sanitary Sewer:** City of Camas- install Gravity sewer main with laterals and connect to existing sanitary stub-out near the existing City of Camas pump station.
- **Storm Sewer:** City of Camas- install storm sewer main and structures. Connect to public system.
- **Electricity:** Clark Public Utilities – connect street lighting to existing system.
- **Water:** City of Camas- connect water lines to the existing 8" water main.

C. Signature [\[help\]](#)

Under the penalty of perjury, the above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: _____

Name of signee _____

Position and Agency/Organization _____

Date Submitted: _____

James Hodges

Jim Hodges

Project Manager, City of Camas

1/23/2018

Exhibit 7
APPEAL18-02 & SEPA18-05

From: [Sammy Marchand](#)
To: [Community Development Email](#)
Subject: City File No. Appeal 18-02
Date: Sunday, May 20, 2018 7:39:56 PM

To whom it may concern,

In regards to City File No. Appeal 18-02 (related file no. SEPA 18-05)

I would like to state for the record that the intersection of NW Larkspur Street & 60th Avenue is a dangerous intersection, and it is becoming even more so with the addition of the new development further down Larkspur. Larkspur has overly heavy traffic flow. This is due to the fact that most people on the North side of lake Road from NW Larkspur Street to NW Lacamas Drive, use Larkspur to travel through and from work. A conservative estimate would be that that 90% of these home owners, use the aforementioned intersection in their commute. If no action is taken to make this intersection safer, it is only a matter of time before someone will get hurt. Sadly with as many children as we have living in this neighborhood, it will more than likely be a child that is harmed or worse. People regularly speed through this intersection, and half of the time go into the on coming lane nearly hitting other people or motorists. I am one house away from the intersection, and working from home I can tell you this is a daily occurrence. This is completely unacceptable!

At the very least the aforementioned intersection should be a 3 way stop, with crosswalks painted on all three sides. Even a roundabout, would be helpful. I do not believe that a speed sign would fix the problem, although one should have been placed on Larkspur from the beginning.

Another issue is the added traffic noise at all hours of the night. Me and my wife are woken up all hours of the night due to the excessive traffic that our corner has to deal with. We do not live in a commercial street, and something needs to be done about the noise. At the very least a wall (not a fence) should be built to quiet the noise. The wall should be built along the East side of Eastern side walk of Larkspur, from the corner of NW Larkspur St and NW 60th Avenue, up to the corner of the second and third properties up the hill.

Regards,
Sammy Marchand
3540 NW 60th Ave.
Camas, WA. 98607
(503)853-3005

From: [ning.cui](#)
To: [Community Development Email](#)
Subject: Fwd: Unbalanced development leads to public safety and health threat at Larkspur - 15 houses survey
Date: Sunday, May 20, 2018 9:26:13 PM
Attachments: [EPA noise level.png](#)
[noise level at Larkspur.png](#)
[Ring daytime.png](#)
[Ring nighttime.png](#)
[Larkspur Traffic Report.docx](#)
[traffic survey.xlsx](#)

Unbalanced development leads to public safety and health threat at Larkspur

-- 'Anything can go wrong will go wrong!' from Murphy's Law

Purpose: To investigate the impact of the current traffic on public safety and health at Larkspur community due to numerous traffic complaints from the neighborhood secondary to the rapid new developments.

Method: Traffic survey were filled up by 15 households at NW Larkspur St and 60 Th Ave in Camas. The traffic survey has 18 questions which assess the impact of current traffic to daily life and possible solutions to improved.

Results:

15/15 households are bothered by current traffic.

Safety concerns:

- 13 out of the 15 households have safety concern. Two households reported no safety concern are located at the end of 60 Ave and half their houses are underground.
- 73% feel it's unsafe for the kids to play in the yard.
- Speeding cars
- High flow traffic on 60 Th Ave which is only one and half lane after the public parking are occupied (Please refer the attachment for the frequency of significant motion which is caught by the Ring device. Ring is not sensitive detect slow traffic).
- All houses on 60 Th have the garage door facing 60 Th Ave except one house at the Klickitat Ct .
- The road can be icy in the winter on both 60 Th and Larkspur due to the hill with history of car accident at 60 Th circle and tailgate
- Two school bus stop at the each end of 60 Th

Health threat:

- 12 out of 15 households have been woken up early due to the traffic
- 5 families closed to the 60 Th circle and 2 families at the 59 Th circle report the difficulty to fall asleep on the top of early awakening.
- Serious consequence of chronic sleep deprivation: Fall asleep on the wheel due to day sleepiness, unemployment due to poor performance at job or school, worsening anxiety and depression

Impact on daily quality of life:

- 73% report increasing traffic flow
- 73% are bothered by the noise. (Please refer to attachment for sound level around Larkspur. **Max of <55 db in residential area is recommended by either US Environmental Protection Agency, Seattle city rules or Portland city rules. Max on 60 Th is 85 db** by limited time recording !!!) .
- 60% family's outdoor activity are affected by the traffic.
- The light is the least concern.

-

- **Possible solutions:**

- 14/15 recommend the speed control either by speed limit sign, speed bump, curb extension, extended bike line, parking space line or other solutions.
- All the households at Larkspur St thinks sound proof barriers is needed
- 14/15 households would like heavy truck limitation. One commends trucks use 'Jake' braking which is the violation of traffic rules.
- More outlet for the new development to distribute the traffic flow at Larkspur



residential noise levels



ALL

SHOPPING

NEWS

IMAGES

VIDEOS

“For example the US Environmental Protection Agency recommended a maximum indoor **noise level** of 45 dB(A)¹ and outdoor **noise level** of 55 dB to allow for intelligible communication. ... Recommended urban **residential noise levels** generally range from 45 to 55 dB depending on the time of day and location of measurement.” Jun 16, 2012

[Noise Levels Associated with Urban Land Use - NCBI - NIH](https://www.ncbi.nlm.nih.gov/articles)

[https://www.ncbi.nlm.nih.gov › articles](https://www.ncbi.nlm.nih.gov/articles)



About this result



Feedback

PEOPLE ALSO ASK

What is the acceptable noise level in a residential area?

Edit

Records

2018-01-17 07:27:27

Time: 43s Avg: 52dB Min: 25dB Max: 84dB

Truck loft



2018-01-16 07:29:30

Time: 13s Avg: 40dB Min: 18dB Max: 64dB

School bus



2018-01-16 07:01:51

Time: 267s Avg: 21dB Min: 4dB Max: 77dB

7 Am bedroom



2018-01-13 17:33:10

Time: 54s Avg: 44dB Min: 28dB Max: 69dB

Front



2018-01-13 17:29:14

Time: 26s Avg: 55dB Min: 32dB Max: 85dB

Minivan



2018-01-13 17:28:26

Time: 23s Avg: 51dB Min: 30dB Max: 78dB

SUV out



2018-01-13 17:27:46

Time: 30s Avg: 40dB Min: 27dB Max: 61dB



Construction Testing Lab
Materials Testing



Construction Materials
Testing and Inspector
ctlwa.com



Main



Records



Noise Level



About



Camas



Front Door
OWNER

Set Up

ALL ACTIVITY

RINGS

MOTION

STARRED



Front Door- Today 4:45 PM
MOTION



Front Door- Today 4:38 PM
MOTION



Front Door- Today 4:32 PM
MOTION



Front Door- Today 4:26 PM
MOTION



Front Door- Today 4:20 PM
MOTION



Front Door- Today 4:15 PM
MOTION



Front Door- Today 4:09 PM
MOTION





Camas



Front Door
OWNER

Set Up

ALL ACTIVITY

RINGS

MOTION

STARRED



Front Door- 3/18/18, 3:52 AM
MOTION



Front Door- 3/18/18, 3:29 AM
MOTION



Front Door- 3/18/18, 3:14 AM
MOTION



Front Door- 3/18/18, 1:36 AM
MOTION



Front Door- 3/17/18, 11:15 PM
MOTION



Front Door- 3/17/18, 10:45 PM
MOTION



Front Door- 3/17/18, 9:25 PM
MOTION



1	1		1	1		1	1	1	1		1	1	1	11	1	
1	0		1	1		1	1	0	1		1	0	1	8	0.727273	
1	1		1	1		1	1	0	1		1	0	1	9	0.818182	
0	0		0	0		0	0	0	1		0	0	0	1	0.090909	
1	1		1	1		1	0	1	1		1	0	1	9	0.818182	
1	0		0	0		0	0	0	0		0	1	0	2	0.181818	
1	1		1	1		1	0	1	1		1	0	1	9	0.818182	
1	1		1	1		0	1	1	1		0	0	1	8	0.727273	
0	1		0	1		0	0	1	1		0	0	0	4	0.363636	
1	1		1	1		1	0	1	1		1	1	0	9	0.818182	
0	0		0	0		0	0	0	0		0	0	0	1	0.090909	
1	1		1	1		0	0	0	0		0	0	1	5	0.454545	
0	0		1	1		0	0	0	0		0	0	0	3	0.272727	
1	0		1	1		1	0	0	1		1	1	1	8	0.727273	
1	0		1	1		1	0	0	1		1	1	1	8	0.727273	
0	1		1	1		1	1	1	1		1	0	1	9	0.818182	
0	0		1	1		0	0	0	0		0	0	0	2	0.181818	
0	0		0	0		0	0	0	0		1	1	0	2	0.181818	
11	9	0	13	14	0	9	5	7	14	0	9	5	10	9.636364	0	0

From: ning.cui
To: [Community Development Email](#)
Subject: Fwd: NO 'Highway Larkspur'
Date: Sunday, May 20, 2018 9:30:16 PM
Attachments: [response to city 2.docx](#)

Dear City staff,

Thanks for the City for the evaluation. We appreciate the initial investigation. 11 household at 59th Circle, 60 Th Ave and 61st Circle are surveyed second time to response for the evaluation. 10/11 are not satisfied with it due to the multiple faults which is discussed in the attachment. 11/11 think the City should take actions to 'fix' the issues. We strongly propose the following as the possible solutions to improve community safety and health.

- - 1. Distribute current traffic flow burden.**
 - i. East side new community should have their own exit to Lake Rd.
 - 2. No heavy truck on Larkspur.**
 - i. New development can use NW Payne St where nobody lives there or another route.
 - 3. Noise barriers wall at NW Larkspur**
 - 4. Extended bike line and Public parking line at NW Larkspur and 60 Th Ave** for pedestrian safety and bike riders
 - 5. Roundabout at the intersection** between NW Larkspur and 60 Th Ave with four-way yield sign
 - 6. Speed control at NW Larkspur and 60 Th Ave.**
 - i. Consider school zone speed since it is close to Skybridge and two bus stop at 60 Th Ave.
 - 7. Yield sign to pedestrian at the intersection between NW Larkspur and 60 Th Ave. Zebra line**

Best regards,

NW Larkspur community

NO 'Highway Larkspur'

- Public safety and health threat at NW Larkspur still exist

- Thanks for the City for the evaluation. We appreciate the initial investigation. 11 household at 59th Circle, 60 Th Ave and 61st Circle are surveyed second time (see attachment for sampled address and signature). 10/11 are not satisfied with the evaluation due to the multiple faults which will be discussed below. 11/11 think the City should take actions to 'fix' the issues. We strongly propose the following as the possible solutions to improve community safety and health.

1) Distribute current traffic flow burden.

- i) East side new community should have their own exit to Lake Rd.

2) No heavy truck on Larkspur.

- i) New development can use NW Payne St where nobody lives there or another route.

3) Noise barriers wall at NW Larkspur

4) Extended bike line and Public parking line at NW Larkspur and 60 Th Ave for pedestrian safety and bike riders

5) Roundabout at the intersection between NW Larkspur and 60 Th Ave with four-way yield sign

6) Speed control at NW Larkspur and 60 Th Ave.

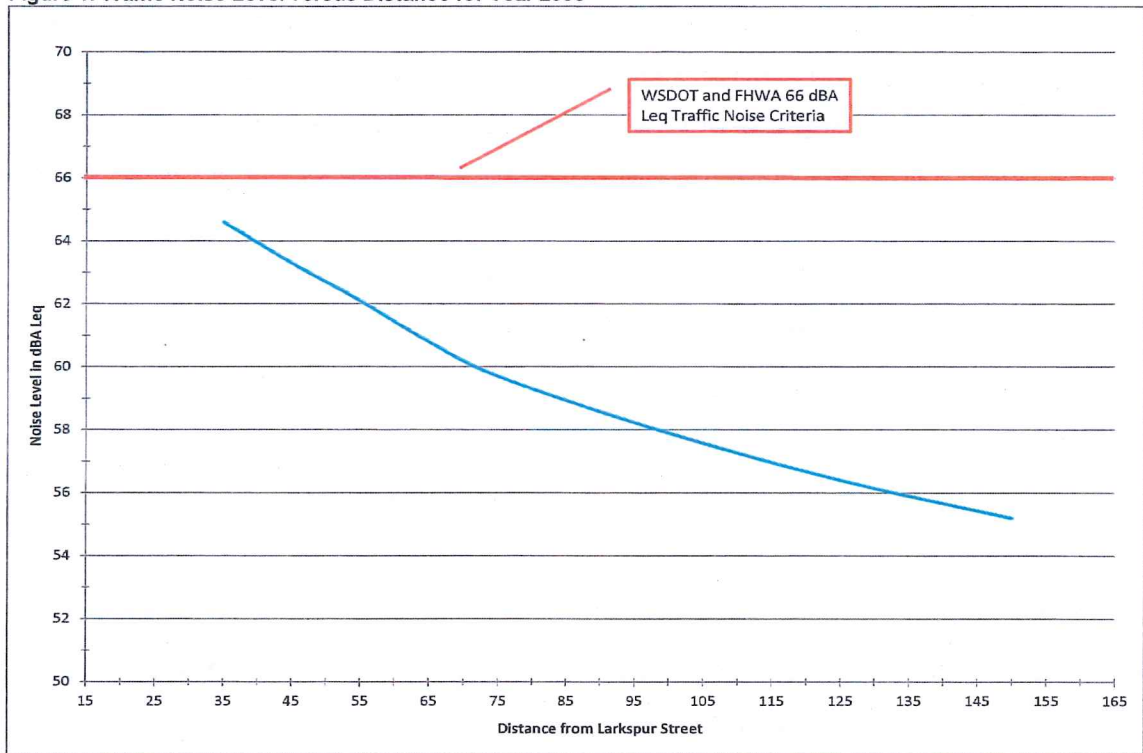
- i) Consider school zone speed since it is close to Skybridge and two bus stop at 60 Th Ave.

7) Yield sign to pedestrian at the intersection between NW Larkspur and 60 Th Ave. Zebra line

- **Faults from Mr. Minor's evaluation:**

- According to Mr. Minor's model, the noise level is approximately 67 dBA at the distance of 15 feet. There is only 6 feet wide sidewalk in between NW Larkspur and our property. So the noise in our property should be louder than 67 dBA according to the trend. Thus, the noise level is beyond the highway criteria of 66 dBA which is the violation of permissible maximum.

Figure 1. Traffic Noise Level versus Distance for Year 2035



- Per Mr. Minor's addendum, the predicted noise levels were calculated using estimated traffic volume. 99% of the traffic volume at NW Larkspur turn east to 60 Th Ave. It's reasonable to assume 60 Th Ave carries the similar noise level. The heavy traffic flow and loud noise will not decrease with distance but to spread out 60 Th. It is not the pattern on Figure 1. Our HOA had the concern several years ago prior to the east side new development. The new community should have their own exit to avoid overflow of 60 Th. Now the concern is the fact of 60 Th.
- Mr. Minor has clearly lack of knowledge about the residential noise rules from Washington state Department of Transportation (WSDOT). Highway traffic is only roadway which is exempted from that regulation (WAC 173-

60). Larkspur is not a highway. Mr. Minor claimed max of 66 dBA for exterior and residential family. But Environmental Manual stated clearly the maximum permissible environmental noise level for residential (Class A property) is **60 dBA** no matter where the noise source is (see attachment for more info). Our property should not be treated as a motel or Walmart store.

<http://www.wsdot.wa.gov/publications/manuals/fulltext/M3111/446.pdf>

WAC 173-60-040

Maximum permissible environmental noise levels.

	EDNA OF NOISE SOURCE		EDNA OF RECEIVING PROPERTY
	Class A	Class B	Class C
CLASS A	55 dBA	57 dBA	60 dBA
CLASS B	57	60	65
CLASS C	60	65	70

- According to the WSDOT residual maximum permissible rule and the report from Mr. Minor, with current traffic flow, **Larkspur road or 60 Th should at least be 75 feet away from our property in order to be compliance with max noise less than 60 dBA.** We couldn't imagine what will happen in the next 2-5 years if double traffic volume is added with the road extension project. Our houses are also approved by the City of Camas 10 years ago. What's the point of building houses which is not livable 10 years later.
- The noise level at Larkspur is underestimated because the loud noise is not counted. Per Mr. Minor's Table 1, heavy truck or loud motorcycles at 25 feet create the noise level at 90 dBA. It is also confirmed by our own realtime recording on 1/17/2018 when a heavy truck passed by 60 Th Ave. The Max is 84 dB indoor which is consistent with around 90 dBA outside. From the other hand, it also showed the software we are using is relatively

accurate for loud noise detection. That is the reason why 90% of surveyed household voted for heavy truck limitation which is rejected by the city. In addition, other loud noise includes racing cars, teenager speeding and commercial trucks.

Table 1. Sound Levels and Relative Loudness of Typical Noise Sources

Noise Source or Activity	Sound Level (dBA)	Subjective Impression	Relative Loudness (human judgment of different sound levels)
Jet aircraft takeoff from carrier (50 ft)	140	Threshold of pain	64 times as loud
50-hp siren (100 ft)	130		32 times as loud
Loud rock concert near stage, Jet takeoff (200 ft)	120	Uncomfortably loud	16 times as loud
Float plane takeoff (100 ft)	110		8 times as loud
Jet takeoff (2,000 ft)	100	Very loud	4 times as loud
Heavy truck or loud motorcycle (25 ft.)	90		2 times as loud
Major Interstate Highway (25 ft.)	80	Moderately loud	Reference loudness
Pneumatic drill (50 ft.)			

- The noise level at Larkspur is underestimated by the model limitation. No highway is built with steep angle like NW Larkspur and 60 Th. No highway requires acceleration and deceleration constantly and sharp turns. We mentioned it clearly in the survey report and showed the situation to the City engineer Jim Hodge in our front yard. However, this corner is not even mentioned in the evaluation.
- Base on Mr. Minor’s model, our neighborhood is suffering from the high level of noise >66 dBA similar to the highway from the distal residual roadway which is a weird phenomenon when other nearby road are like ghost town.
- Mr. Minor failed to mention any criteria for nighttime noise although he did using another calculated model based on current calculated model. WSDOT stated it should be 10 dBA lower than daytime noise which means no more than 50 dBA. This rule is also applied to highway traffic to protect nighttime sleep. This is our home. It is not Walmart!!!

110 West 13th Street
Vancouver, Washington 98660-2904

(360) 696-1012 • Facsimile (360) 737-0751

Mark A. Erikson
Licensed in Oregon & Washington
mark@eriksonlaw.com

May 21, 2018

E-MAIL & FEDERAL EXPRESS

City of Camas SEPA Official
Community Development Department
616 NE Fourth Avenue
Camas, WA 98607

Joe Turner
Hearing Examiner

E-mail: rmaul@cityofcamas.us
jcoppola@cityofcamas.us

Re: REPLY MEMORANDUM IN SUPPORT OF APPEAL 18-02
SEPA 18-05 Larkspur / Camas Meadows Drive Street Improvements

Dear SEPA Official and Mr. Examiner:

This memorandum is filed on behalf of Jay Ponce, the appellant in Appeal 18-02; and in reply to a *Memorandum* dated May 16, 2018, from James Carothers, City Engineer and SEPA Applicant.

Mr. Carothers argues that “[t]he city is . . . not in a position to meaningfully address” “soils, topography, unique physical features, erosion, scenic resources and aesthetics,” “but believes that the application is supportable by the plans and reports which were submitted.” This argument is factually incorrect, and misconstrues the City’s obligations under SEPA, which require evaluation of probable significant, adverse environmental impacts.¹

[Under SEPA,] the term ‘significantly’ has been defined to include the examination of At least two relevant factors: (1) the extent to which the action will cause adverse environmental effects in excess of those created by existing uses in the area, and (2) the absolute quantitative adverse environmental effects of the action itself, including the cumulative harm that results from its contribution to existing adverse conditions or uses in the affected area.. [²]

In the present case, the City failed to disclose and analyze impacts to appellant’s property located outside of the fee acquisition sought for the right-of-way.

¹RCW 43.21C.031.

²*Norway Hill v. King County*, 87 Wash.2d 267, 277, 552 P.2d 674 (1976), superseded by statute on other grounds as recognized in *Moss v. City of Bellingham*, 109 Wash.App. 6, 21, 31 P.3d 703 (2001).

The City seeks fee acquisition for a right-of-way, and “an easement for a cut on appellant’s property.”³ Cuts are fee acquisitions, while temporary easements must be restored to the grade that existed prior to the take.⁴ That issue will be resolved in a separate forum.

In the present proceeding, the SEPA Checklist directs the applicant to: “[d]escribe the purpose, type, total area, and approximate quantities and **total affected area of any filling, excavation, and grading proposed.**” The City answered as follows:

. . . **Approximately 1.06 acres will be disturbed** to build the road.

Estimated cut and fill quantities:

- **Cut = 3,700 Cu. Yd. . . .** [⁵]

The record includes a cross-section of appellant’s property showing existing and proposed surface profiles outside of the proposed right-of-way.⁶ Otak’s drawing of the *Temporary Construction Easement and Fee Right-of-Way Acquisition* depicts 15,660 square feet labeled “Temporary Construction Easement” outside of fee acquisition for the right-of way.⁷ The cut to establish the proposed surface profile is approximately 10 feet in elevation at the proposed right of way, and daylights “approximately 65 feet from right-of-way [centerline].”⁸ Dividing by two to accommodate the triangular cross-section of the cut, we interpolate an average four-foot cut over 15,660 square feet of appellant’s property for a total of 78,300 cubic feet, or 8,700 cubic yards. Hence, there is more excavation within the “Temporary Construction Easement” on appellant’s property than the 3,700 cubic yards noted in the SEPA Checklist for the entire project.

Road improvements are depicted at just over 50 feet in width, and the project is specified as being “.25 miles long.”⁹ Multiplying 50 feet in width by 1,320 feet in length (one quarter mile) yields 66,000 square feet, or 1.52 acres. Perhaps the existing roadway will not be disturbed along its entire length, but the reported 1.06 acres of disturbance does not include excavation of over one-third acre of “Temporary Construction Easement” on appellant’s property, let alone “[e]asements for similar reasons . . . needed on the appellant’s neighbor to the north and south.”¹⁰

³HEE 3 at 1.

⁴RCW 8.12.030; *Ghione v. State*, 26 Wash.2d 635, 654, 175 P.2d 955 (1946).

⁵Hearing Examiner Exhibit (HEE) 6; *SEPA Checklist* dated January 23, 2018, at 4, paragraph B(1)(a), emphasis added.

⁶HEE 4 at 2.

⁷HEE 5.

⁸HEE 4 at 2.

⁹HEE 6 at 3; *State Environmental Policy Act Determination of Non-Significance* at 1.

¹⁰HEE 3 at 1.

The SEPA Checklist inquires “[a]bout what percent of the site will be covered with impervious surfaces after project construction . . . ,” to which the City answered as follows:

Approximately 94 percent of the site will be covered with an asphalt road and concrete sidewalks. [11]

As noted above, the project comprises approximately 66,000 square feet and the unpaved “Temporary Construction Easement” on appellant’s property alone comprises 15,660 square feet. Hence, grading activity on appellant’s property alone comprises 19 percent of the total; hence, the entire project cannot be included in the SEPA Checklist if 94 percent of the site is covered with asphalt and concrete after completion.

Issuance of a Determination of Nonsignificance (DNS) constituted error in the present case because probable significant, adverse impacts from cuts on the appellant’s property and the property of their neighbors were not even included in the SEPA Checklist. The area of so-called “Temporary Construction Easement” was excluded from the Checklist. The requirement to disclose and evaluate probable significant, adverse impacts before a DNS is issued includes, at minimum, all cuts and excavation needed for the project:

We hold that RCW 43.21C.030(2)(c) necessarily requires the Consideration of environmental factors by the appropriate governing body in the course of all state and local government actions before it may be determined whether or not an Environmental Impact Statement must be prepared. [12]

Whether or not property owners . . . specifically raise a SEPA challenge, the record of a government agency’s negative threshold determination must demonstrate that environmental factors were considered in a manner sufficient to amount to a prima facie compliance with the procedural requirements of SEPA. [13]

Although not required in order to reverse the DNS, we note that the SEPA Checklist requests: “[p]roposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any,” to which the City answered:

. . . The landscape plan will feature plant species native to the NW in addition to specimen plants and lawn areas. [14]

¹¹SEPA Checklist at 5, paragraph 1(g).

¹²*Juanita Bay v. Kirkland*, 9 Wash.App. 59, 73, 510 P.2d 1140, *review denied*, 83 Wash.2d 1002 (1973).

¹³*Gardner v. Pierce County*, 27 Wash.App. 241, 245, 617 P.2d 743 (1980).

¹⁴SEPA Checklist at 8, paragraph 4(d).

Because this action contemplates condemnation, SEPA is our only opportunity to review and comment upon landscape plans; hence, generic reference to future plans is insufficient, and the City should be required to submit the final landscape plan in answer to the foregoing question.

The SEPA Checklist inquires: “[w]hat types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other),” to which the City responds as follows:

. . . No long-term noise impacts are anticipated. [15]

City Ordinance No. 18-008, authorizing condemnation, notes that “NW Larkspur Street is currently an under improved arterial consisting of two lanes and no improved shoulders,” and estimates “[a]t full buildout of the City Street, Larkspur is projected to carry over 10,000 vehicles per day.”¹⁶ Traffic and noise are defined elements of the environment,¹⁷ and “traffic noise” is an “‘element[] of the environment’ that can be addressed in Environmental Impact Statements under SEPA rules.”¹⁸ In *Maranatha Mining*, the denial of a permit without applying “specific standards and criteria” was arbitrary and capricious.¹⁹ In the present case, the issuance of a DNS without applying standards explicitly provided under SEPA is likewise arbitrary and capricious.

The SEPA Checklist inquires: “[w]ill the proposal affect current land uses on nearby or adjacent properties,” to which the City replies:

The current use of the site is to provide access to single family residences on NW Larkspur Street. . . . The proposal will not affect the current land uses on nearby or adjacent properties. [20]

If the City had properly described the project to include all of the property required, it would have discovered that the so-called “Temporary Construction Easements” will displace a water well and landscape watering system. The Summary of Appraisal conclusions does not include the cost of well drilling nor system replacement.²¹ Hence, it is evident that the City did not investigate and disclose impacts of the present proposal.

¹⁵SEPA Checklist at 10, paragraph 7(b)(2).

¹⁶Ordinance No. 18-008 at 1 (certified copy annexed hereto at Exhibit 1).

¹⁷WAC 197-11-444(2)(a)(i) and (2)(c)(ii).

¹⁸*Maranatha Mining v. Pierce County*, 59 Wash.App. 795, 803 fn 9, 801 P.2d 985 (1990).

¹⁹*Maranatha Mining*, 59 Wash.App. at 804-05.

²⁰SEPA Checklist at 11, paragraph 8(a).

²¹WSDOT Narrative Appraisal Report dated February 21, 2018, at 19 (excerpts annexed hereto in Exhibit 2 – page four).

The SEPA Checklist requests “[p]roposed measures to ensure the proposal is compatible with existing and projected land uses and plans,” to which the City responded “[n]one.”²² This answer contradicts admissions in the May 16, 2018 Memorandum that “neither the City of Camas Staff, Otak nor any other representatives of the City produced” a drawing showing a retaining wall alternative interlineated on Otak drawings by the appellants’ engineer.²³ The City’s May 16, 2018 Memorandum and answers to the SEPA Checklist provide conclusive evidence that the City rejected the retaining wall alternative prior to issuance of the final DNS, in violation of SEPA:

Until the responsible official issues a final determination of nonsignificance or final environmental impact statement, no action concerning the proposal shall be taken by a governmental agency that would: . . .

(b) Limit the choice of reasonable alternatives. [²⁴]

The term reasonable alternative is defined as follows:

“Reasonable alternative” means an action that could feasibly attain or approximate a proposal’s objectives, but at a lower environmental cost or decreased level of environmental degradation. Reasonable alternatives may be those over which an agency with jurisdiction has authority to control impacts, either directly, or indirectly through requirement of mitigation measures. “Reasonable alternative” means an action that could feasibly attain or approximate a proposal’s objectives, but at a lower environmental cost or decreased level of environmental degradation. Reasonable alternatives may be those over which an agency with jurisdiction has authority to control impacts, either directly, or indirectly through requirement of mitigation measures. [²⁵]

By analogy, the Washington Supreme Court ruled, recently, that a decision to lease property under Port control “is independently subject to SEPA and must await the lead agency’s analysis of environmental impacts and reasonable alternatives.”²⁶

The SEPA Checklist inquires: “[h]ow many vehicular trips per day would be generated by the completed project or proposal,” to which the City provided estimates of peak traffic hours and the percentage of truck traffic, but completely omitted the 10,000-trip ADT projection mentioned in Ordinance 18-008. [²⁷]

²²SEPA Checklist at 12, paragraph 8(l).

²³Copy of drawing at HEE 1, Exhibit 6 of 8.

²⁴WAC 197-11-070(1).

²⁵WAC 198-11-786.

²⁶*Columbia Riverkeeper v. Port of Vancouver USA*, 188 Wash.2d 80, 100, 392 P.3d 1025 (2017).

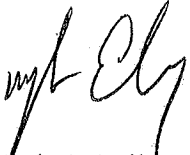
²⁷SEPA Checklist at 15, paragraph 14(f).

Joe Turner
Re: Appeal 18-02
May 21, 2018
Page 6

Finally, the City's May 18, 2018 Memorandum complains that we used a prior calculation which estimates only 9,939 square feet for the so-called "Temporary Easement" on respondents' property, rather than the current calculation of 15,660 square feet.²⁸ We used the revision for calculations throughout this memorandum.

In conclusion, the DNS must be reversed because it did not include the entire property affected by the present proposal and, therefore, failed to disclose and analyze probable significant, adverse impacts to landscaping, noise, adjacent properties, existing uses, and traffic. Moreover, the DNS must be reversed because it rejected a reasonable alternative prior to the environmental determination.

Sincerely,



Mark A. Erikson
Attorney at Law

MAE/ke
PONJ0101.L04.wpd
Enclosures

cc: Client

²⁸HEE 5.

ORDINANCE NO. 18-008

AN ORDINANCE condemning for public street purposes certain land lying within the City of Camas for the purpose of constructing NW Larkspur Street;

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

Section I

The City Council of the City of Camas hereby makes the following findings:

A. The City desires to undertake a street improvement project of NW Larkspur Street from NW Camas Meadows Drive to NW Lake Road ("the street improvement project").

B. NW Camas Meadows Drive and NW Larkspur Street are classified as arterial streets whose function is to serve as a primary route to and from the commercially, industrially, and residentially zoned properties in Northwest Camas.

C. At full buildout of the City Street, Larkspur is projected to carry over 10,000 vehicles per day.

D. NW Larkspur Street is currently an under improved arterial consisting of two lanes and no improved shoulders or other related facilities.

E. The street improvement project proposes to widen NW Larkspur Street to three lanes between NW Camas Meadows Drive and NW Lake Road.

F. The street improvement project further includes construction of curbs, gutters, bike lane, sidewalks, street lighting, traffic signal upgrade, and storm water collection and treatment.

G. The street improvement project is consistent with the City of Camas 20-Year Growth Management Plans.

H. The properties described in Exhibits "A", "B", and "C" attached hereto and by this reference incorporated herein about the street improvement project ("the subject real properties").

I. The City has been unsuccessful in its attempts to acquire the subject real properties by negotiation.

J. The street improvement project constitutes a public use under the provisions of RCW 8.12.030.

K. The subject real properties are necessary for completion of the street improvement project.

L. Pursuant to RCW 8.25.290, the City published and mailed notice to the property owners of the subject real properties this ordinance authorizes to be condemned, advising such owners that a final decision condemning the required properties would be made at the April 16, 2018, Camas City Council meeting.

M. Any and all interested parties had the opportunity to address the Camas City Council on this subject at the April 16, 2018, meeting.

Section II

The City of Camas hereby is authorized to condemn the property and property interests for public improvements under RCW 8.12.030. Nothing in this Ordinance limits the City in its acquisition of property and property rights necessary for the purposes outlined in this Ordinance. The City reserves the right to acquire other or different properties for the street improvement project.

Section III

The City of Camas hereby condemns for public street purposes the properties described in Exhibits "A", "B", and "C" attached hereto and by this reference incorporated herein. Condemnation of the properties is subject to the making or paying of just compensation to the owners in the manner provided by law.

Section IV

Compensation for the subject real properties shall be paid from the NW Larkspur Street Project Fund of the City, and not by special assessment upon properties benefitted by such acquisition.

Section V

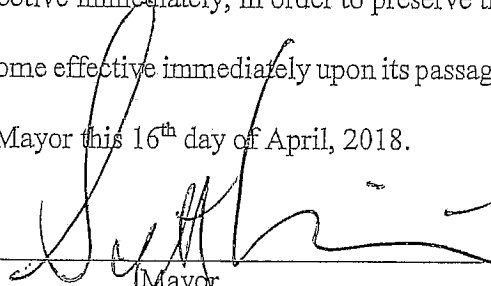
The City Attorney is hereby authorized and directed to begin and prosecute the proceedings provided by law to condemn, take, and appropriate the interests necessary to carry out the provisions of this ordinance, and is further authorized in conducting said condemnation proceedings, and for the purpose of minimizing damages, to stipulate as to the use of the properties hereby authorized to be condemned and appropriated, and as to the reservation of any right of use of the owner or any person entitled to possession of the properties, provided that such reservation does not interfere with the use of said properties as provided in this ordinance.

Section VI

The City Council hereby finds and declares that an emergency exists, and this is a matter of urgency which necessitates that this ordinance become effective immediately, in order to preserve the public health, safety, and welfare. This ordinance shall become effective immediately upon its passage.

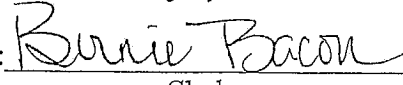
PASSED by the Council and APPROVED by the Mayor this 16th day of April, 2018.

SIGNED:



Mayor

ATTEST:



Clerk

APPROVED as to form:



City Attorney

EXHIBIT 1
Page 3 of 13

EXHIBIT A
LEGAL DESCRIPTION
RIGHT OF WAY - FEE ACQUISITION
NW LARKSPUR STREET
CITY OF CAMAS
PROJECT NUMBER S-604
TUPIKOV (SOUTH)

A parcel of land lying in the Southeast Quarter of the Southwest Quarter of Section 28, Township 2 North, Range 3 East, Willamette Meridian, City of Camas, Clark County, Washington and being a portion of that property described in that Bargain and Sale Deed to Sergey Tupikov and Svetlana Tupikova, recorded October 05, 2001, under Auditor's File Number 3376682, Clark County deed records; said parcel being that portion of said property included in a strip of land 40.00 feet in width, lying on the Westerly side of the center line of NW Larkspur Street, which center line is described as follows:

Beginning at Engineer's center line station 10+00.00, said point being 266.01 feet South and 1.14 feet West of the Southwest corner of Tract C, Larkspur Estates Phase 1, recorded in Book 311 of plats, Page 358; thence North $01^{\circ}04'16''$ East a distance of 97.59 feet; thence on a 150.00 foot radius curve to the left, through a central angle of $27^{\circ}32'34''$, an arc distance of 72.11 feet to a point of reverse curvature; thence on a 150.00 foot radius curve to the right, through central angle of $27^{\circ}52'11''$, an arc distance of 72.96 feet; thence North $01^{\circ}23'52''$ West a distance of 436.45 feet to an angle point in the most Westerly line of said Larkspur Estates Phase 1; thence North $01^{\circ}22'44''$ West along said line of Larkspur Estates Phase 1 a distance of 336.66 feet to an angle point in said line, said point being common with an angle point in the most Westerly line of Larkspur Estates Phase 2, recorded in Book 311 of plats at Page 401; thence North $01^{\circ}22'44''$ West along said line of Larkspur Estates Phase 2 a distance of 351.87 feet to Engineer's center line station 23+67.64.

Bearings are based upon the Washington State Coordinate System 1983(2011) epoch 2010.0, south zone.

This parcel of land contains 1,553 square feet, more or less.



EXHIBIT A
LEGAL DESCRIPTION
TEMPORARY CONSTRUCTION BASEMENT
NW LARKSPUR STREET
CITY OF CAMAS
PROJECT NUMBER S-604
TUPIKOV (SOUTH)

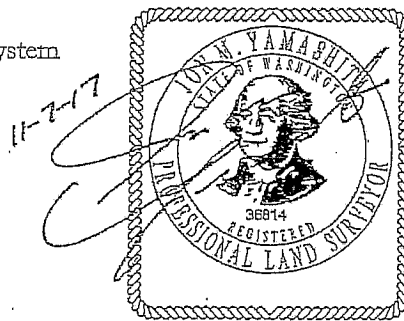
A parcel of land lying in the Southeast Quarter of the Southwest Quarter of Section 28, Township 2 North, Range 3 East, Willamette Meridian, City of Camas, Clark County, Washington and being a portion of that property described in that Bargain and Sale Deed to Sergey Tupikov and Svetlana Tupikova, recorded October 05, 2001, under Auditor's File Number 3376682, Clark County deed records; said parcel being that portion of said property lying northerly of a line at right angles to the center line of NW Larkspur Street at Engineer's center line station 12+50.00, and included in a strip of land 62.00 feet in width, lying on the Westerly side of said center line of NW Larkspur Street, which center line is described as follows:

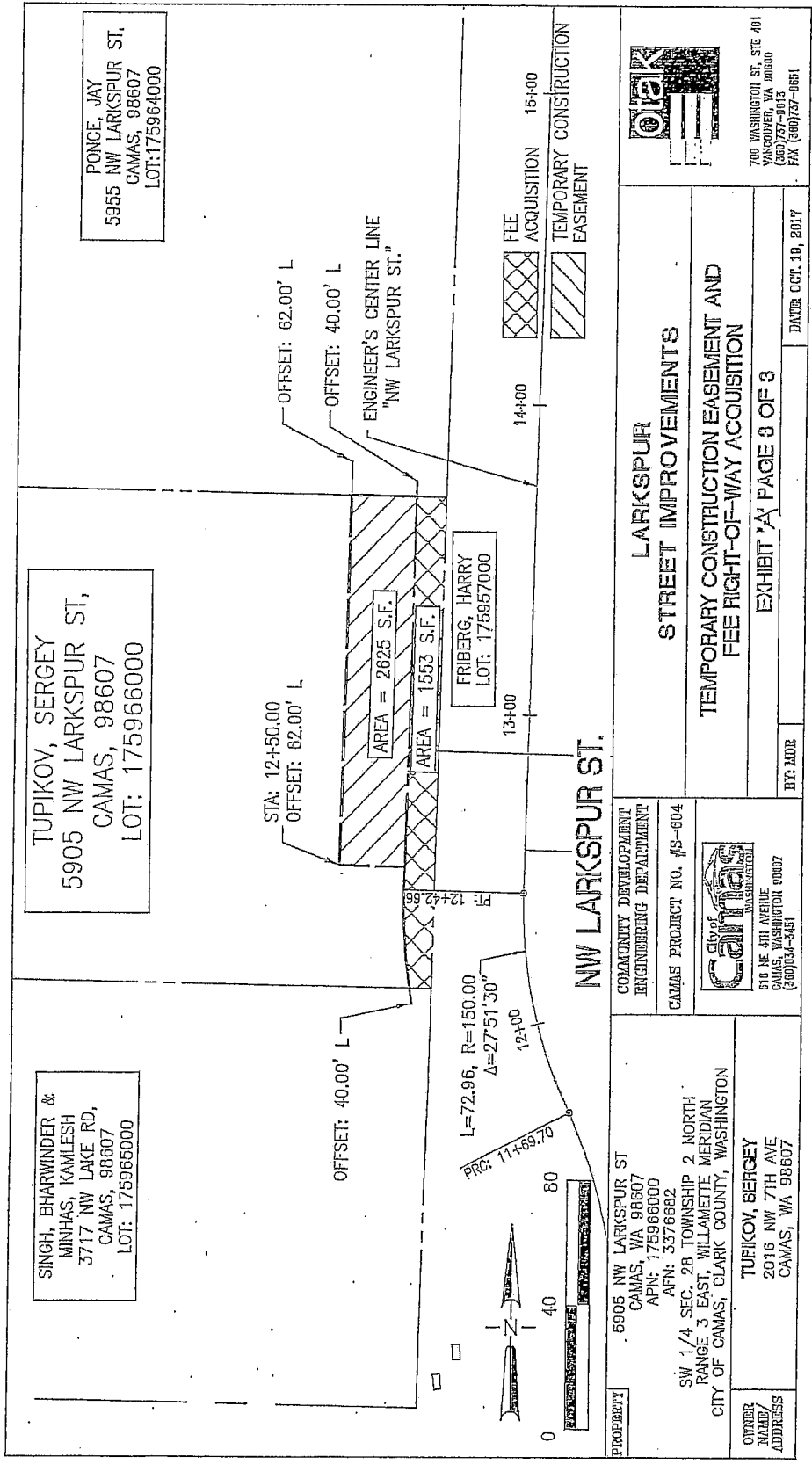
Beginning at Engineer's center line station 10+00.00, said point being 266.01 feet South and 1.14 feet West of the Southwest corner of Tract C, Larkspur Estates Phase 1, recorded in Book 311 of plats, Page 358; thence North $01^{\circ}04'16''$ East a distance of 97.59 feet; thence on a 150.00 foot radius curve to the left, through a central angle of $27^{\circ}32'34''$, an arc distance of 72.11 feet to a point of reverse curvature; thence on a 150.00 foot radius curve to the right, through central angle of $27^{\circ}52'11''$, an arc distance of 72.96 feet; thence North $01^{\circ}23'52''$ West a distance of 436.45 feet to an angle point in the most Westerly line of said Larkspur Estates Phase 1; thence North $01^{\circ}22'44''$ West along said line of Larkspur Estates Phase 1 a distance of 336.66 feet to an angle point in said line, said point being common with an angle point in the most Westerly line of Larkspur Estates Phase 2, recorded in Book 311 of plats at Page 401; thence North $01^{\circ}22'44''$ West along said line of Larkspur Estates Phase 2 a distance of 351.87 feet to Engineer's center line station 23+67.64.

EXCEPT therefrom that portion of said property included in a strip of land 40.00 feet in width, lying on the Westerly side of the center line of NW Larkspur Street, which center line is described above.

Bearings are based upon the Washington State Coordinate System 1983(2011) epoch 2010.0, south zone.

This parcel of land contains 2,625 square feet, more or less.





SINGH, BHARWINDER &
MINHAS, KAMLESH
3717 NW LAKE RD,
CAMAS, 98607
LOT: 175965000

TUPIKOV, SERGEY
5905 NW LARKSPUR ST,
CAMAS, 98607
LOT: 175966000

PONCE, JAY
5955 NW LARKSPUR ST,
CAMAS, 98607
LOT: 175964000

FRIBERG, HARRY
LOT: 175957000

City of Camas
COMMUNITY DEVELOPMENT
ENGINEERING DEPARTMENT
CAMAS PROJECT NO. #S-604

City of Camas
610 NE 4TH AVENUE
CAMAS, WASHINGTON 98007
(509)34-3451

City of Camas
700 WASHINGTON ST. STE 401
VANCOUVER WA 98660
(360)737-3013
FAX (360)737-0651

LARKSPUR STREET IMPROVEMENTS

TEMPORARY CONSTRUCTION EASEMENT AND FEE RIGHT-OF-WAY ACQUISITION

EXHIBIT A PAGE 3 OF 3

DATE: OCT. 19, 2017

PROPERTY
5905 NW LARKSPUR ST
CAMAS, WA 98607
APN: 175966000
AFN: 3378682

OWNER
NAME/ ADDRESS
TUPIKOV, SERGEY
2016 NW 7TH AVE
CAMAS, WA 98607

SW 1/4 SEC. 28 TOWNSHIP 2 NORTH
RANGE 3 EAST, WILLAMETTE MERIDIAN
CITY OF CAMAS, CLARK COUNTY, WASHINGTON

BY: HDR

EXHIBIT B
LEGAL DESCRIPTION
RIGHT OF WAY - FEE ACQUISITION
NW LARKSPUR STREET
CITY OF CAMAS
PROJECT NUMBER S-604
PONCE

A parcel of land lying in the Southeast Quarter of the Southwest Quarter of Section 28, Township 2 North, Range 3 East, Willamette Meridian, City of Camas, Clark County, Washington and being a portion of that property described in that Bargain and Sale Deed to Jay and Vicki Ponce recorded September 12, 2003 under Auditor's File Number 3715574, Clark County deed records; the said parcel being that portion of said property included in a strip of land 40.00 feet in width, lying on the Westerly side of the center line of NW Larkspur Street, which center line is described as follows:

Beginning at Engineer's center line station 10+00.00, said point being 266.01 feet South and 1.14 feet West of the Southwest corner of Tract C, Larkspur Estates Phase 1, recorded in Book 311 of plats, Page 358; thence North $01^{\circ}04'16''$ East a distance of 97.59 feet; thence on a 150.00 foot radius curve to the left, through a central angle of $27^{\circ}32'34''$, an arc distance of 72.11 feet to a point of reverse curvature; thence on a 150.00 foot radius curve to the right, through central angle of $27^{\circ}52'11''$, an arc distance of 72.96 feet; thence North $01^{\circ}23'52''$ West a distance of 436.45 feet to an angle point in the most Westerly line of said Larkspur Estates Phase 1; thence North $01^{\circ}22'44''$ West along said line of Larkspur Estates Phase 1 a distance of 336.66 feet to an angle point in said line, said point being common with an angle point in the most Westerly line of Larkspur Estates Phase 2, recorded in Book 311 of plats at Page 401; thence North $01^{\circ}22'44''$ West along said line of Larkspur Estates Phase 2 a distance of 351.87 feet to Engineer's center line station 23+67.64.

Bearings are based upon the Washington State Coordinate System 1983(2011) epoch 2010.0, south zone.

This parcel of land contains 3,113 square feet, more or less.

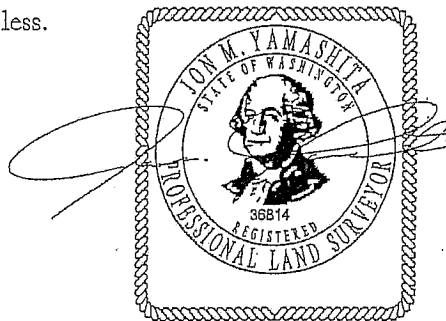


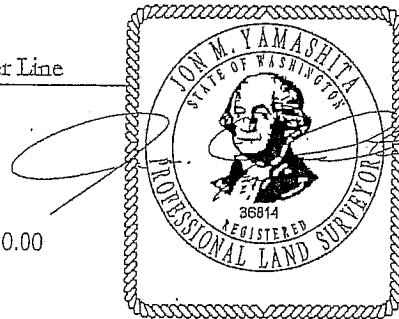
EXHIBIT B
 LEGAL DESCRIPTION
 TEMPORARY CONSTRUCTION EASEMENT
 NW LARKSPUR STREET
 CITY OF CAMAS
 PROJECT NUMBER S-604
 PONCE

A parcel of land lying in the Southeast Quarter of the Southwest Quarter of Section 28, Township 2 North, Range 3 East, Willamette Meridian, City of Camas, Clark County, Washington and being a portion of that property described in that Bargain and Sale Deed to Jay and Vicki Ponce recorded September 12, 2003 under Auditor's File Number 3715574, Clark County deed records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Westerly side of the center line of NW Larkspur Street, which center line is described as follows:

Beginning at Engineer's center line station 10+00.00, said point being 266.01 feet South and 1.14 feet West of the Southwest corner of Tract C, Larkspur Estates Phase 1, recorded in Book 311 of plats, Page 358; thence North 01°04'16" East a distance of 97.59 feet; thence on a 150.00 foot radius curve to the left, through a central angle of 27°32'34", an arc distance of 72.11 feet to a point of reverse curvature; thence on a 150.00 foot radius curve to the right, through central angle of 27°52'11", an arc distance of 72.96 feet; thence North 01°23'52" West a distance of 436.45 feet to an angle point in the most Westerly line of said Larkspur Estates Phase 1; thence North 01°22'44" West along said line of Larkspur Estates Phase 1 a distance of 336.66 feet to an angle point in said line, said point being common with an angle point in the most Westerly line of Larkspur Estates Phase 2, recorded in Book 311 of plats at Page 401; thence North 01°22'44" West along said line of Larkspur Estates Phase 2 a distance of 351.87 feet to Engineer's center line station 23+67.64.

The width in feet of said strip of land is as follows:

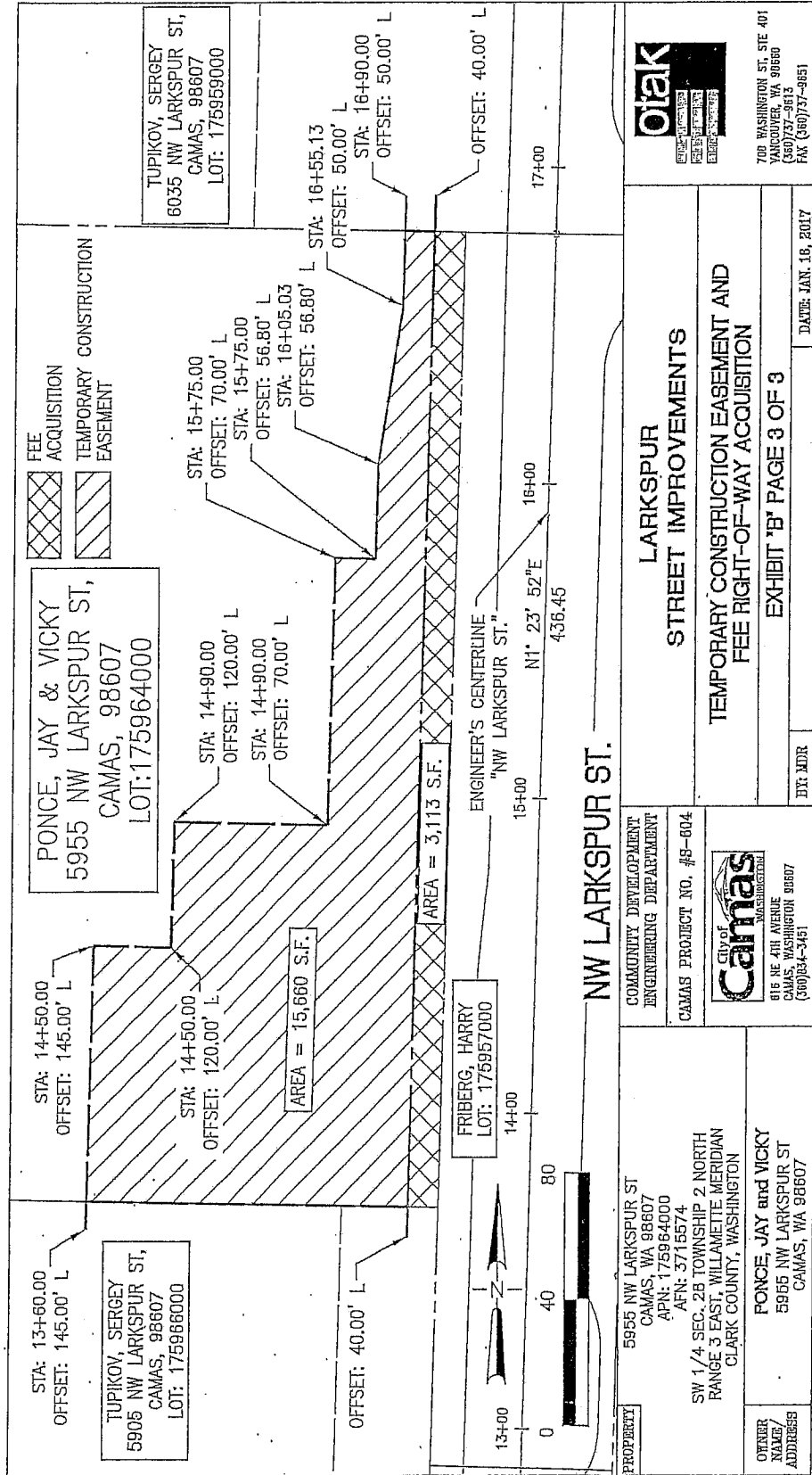
Station	to	Station	Width on Westerly Side of Center Line
13+60.00		14+50.00	145.00
14+50.00		14+90.00	120.00
14+90.00		15+75.00	70.00
15+75.00		16+05.03	56.80
16+05.03		16+55.13	56.80 in a straight line to 50.00
15+55.13		16+90.00	50.00



EXCEPT therefrom that portion of said property included in a strip of land 40.00 feet in width, lying on the Westerly side of the center line of NW Larkspur Street, which center line is described above.

Bearings are based upon the Washington State Coordinate System 1983(2011) epoch 2010.0, south zone.

This parcel of land contains 15,660 square feet, more or less.



700 WASHINGTON ST. STE. 401
 YALCOUVER, WA 98660
 (360) 737-0613
 FAX (360) 737-0651

LARKSPUR STREET IMPROVEMENTS

TEMPORARY CONSTRUCTION EASEMENT AND FEE RIGHT-OF-WAY ACQUISITION

EXHIBIT 'B' PAGE 3 OF 3

DATE: JAN. 18, 2017

COMMUNITY DEVELOPMENT
 ENGINEERING DEPARTMENT
 CAMAS PROJECT NO. #8-004

City of Camas
 616 NE 4TH AVENUE
 CAMAS, WASHINGTON 98607
 (360) 634-3461

PROPERTY: 5955 NW LARKSPUR ST
 CAMAS, WA 98607
 APN: 175964000
 AFN: 3715574

SW 1/4 SEC. 28 TOWNSHIP 2 NORTH
 RANGE 3 EAST, WILLAMETTE MERIDIAN
 CLARK COUNTY, WASHINGTON

OWNER NAME/ ADDRESS: PONCE, JAY and VICKY
 5955 NW LARKSPUR ST
 CAMAS, WA 98607

EXHIBIT C
LEGAL DESCRIPTION
RIGHT OF WAY - FEE ACQUISITION
NW LARKSPUR STREET
CITY OF CAMAS
PROJECT NUMBER S-604
TUPIKOV NORTH

A parcel of land lying in the Southeast Quarter of the Southwest Quarter of Section 28, Township 2 North, Range 3 East, Willamette Meridian, City of Camas, Clark County, Washington and being a portion of that property described in that Statutory Warranty Deed to Sergey Tupikov and Svetlana Tupikova recorded July 16, 2004, under Auditor's File Number 3856279, Clark County deed records; the said parcel being that portion of said property included in a strip of land 40.00 feet in width, lying on the Westerly side of the center line of NW Larkspur Street, which center line is described as follows:

Beginning at Engineer's center line station 10+00.00, said point being 266.01 feet South and 1.14 feet West of the Southwest corner of Tract C, Larkspur Estates Phase 1, recorded in Book 311 of plats, Page 358; thence North $01^{\circ}04'16''$ East a distance of 97.59 feet; thence on a 150.00 foot radius curve to the left, through a central angle of $27^{\circ}32'34''$, an arc distance of 72.11 feet to a point of reverse curvature; thence on a 150.00 foot radius curve to the right, through central angle of $27^{\circ}52'11''$, an arc distance of 72.96 feet; thence North $01^{\circ}23'52''$ West a distance of 436.45 feet to an angle point in the most Westerly line of said Larkspur Estates Phase 1; thence North $01^{\circ}22'44''$ West along said line of Larkspur Estates Phase 1 a distance of 336.66 feet to an angle point in said line, said point being common with an angle point in the most Westerly line of Larkspur Estates Phase 2, recorded in Book 311 of plats at Page 401; thence North $01^{\circ}22'44''$ West along said line of Larkspur Estates Phase 2 a distance of 351.87 feet to Engineer's center line station 23+67.64.

Bearings are based upon the Washington State Coordinate System 1983(2011) epoch 2010.0, south zone.

This parcel of land contains 13,441 square feet, more or less.

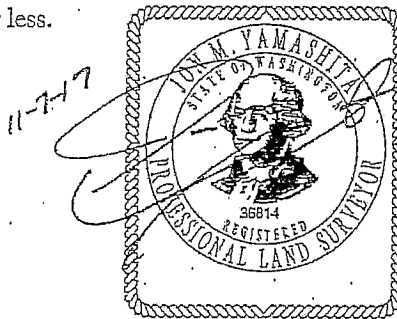


EXHIBIT C
 LEGAL DESCRIPTION
 TEMPORARY CONSTRUCTION EASEMENT
 NW LARKSPUR STREET
 CITY OF CAMAS
 PROJECT NUMBER S-604
 TUPIKOV NORTH

A parcel of land lying in the Southeast Quarter of the Southwest Quarter of Section 28, Township 2 North, Range 3 East, Willamette Meridian, City of Camas, Clark County, Washington and being a portion of that property described in that Statutory Warranty Deed to Sergey Tupikov and Svetlana Tupikova recorded July 16, 2004, under Auditor's File Number 3856279, Clark County deed records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Westerly side of the center line of NW Larkspur Street, which center line is described as follows:

Beginning at Engineer's center line station 10+00.00, said point being 266.01 feet South and 1.14 feet West of the Southwest corner of Tract C, Larkspur Estates Phase 1, recorded in Book 311 of plats, Page 358; thence North 01°04'16" East a distance of 97.59 feet; thence on a 150.00 foot radius curve to the left, through a central angle of 27°32'34", an arc distance of 72.11 feet to a point of reverse curvature; thence on a 150.00 foot radius curve to the right, through central angle of 27°52'11", an arc distance of 72.96 feet; thence North 01°23'52" West a distance of 436.45 feet to an angle point in the most Westerly line of said Larkspur Estates Phase 1; thence North 01°22'44" West along said line of Larkspur Estates Phase 1 a distance of 336.66 feet to an angle point in said line, said point being common with an angle point in the most Westerly line of Larkspur Estates Phase 2, recorded in Book 311 of plats at Page 401; thence North 01°22'44" West along said line of Larkspur Estates Phase 2 a distance of 351.87 feet to Engineer's center line station 23+67.64.

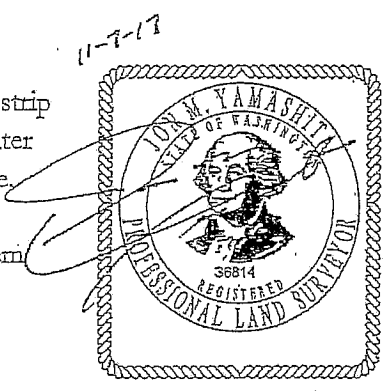
The width in feet of said strip of land is as follows:

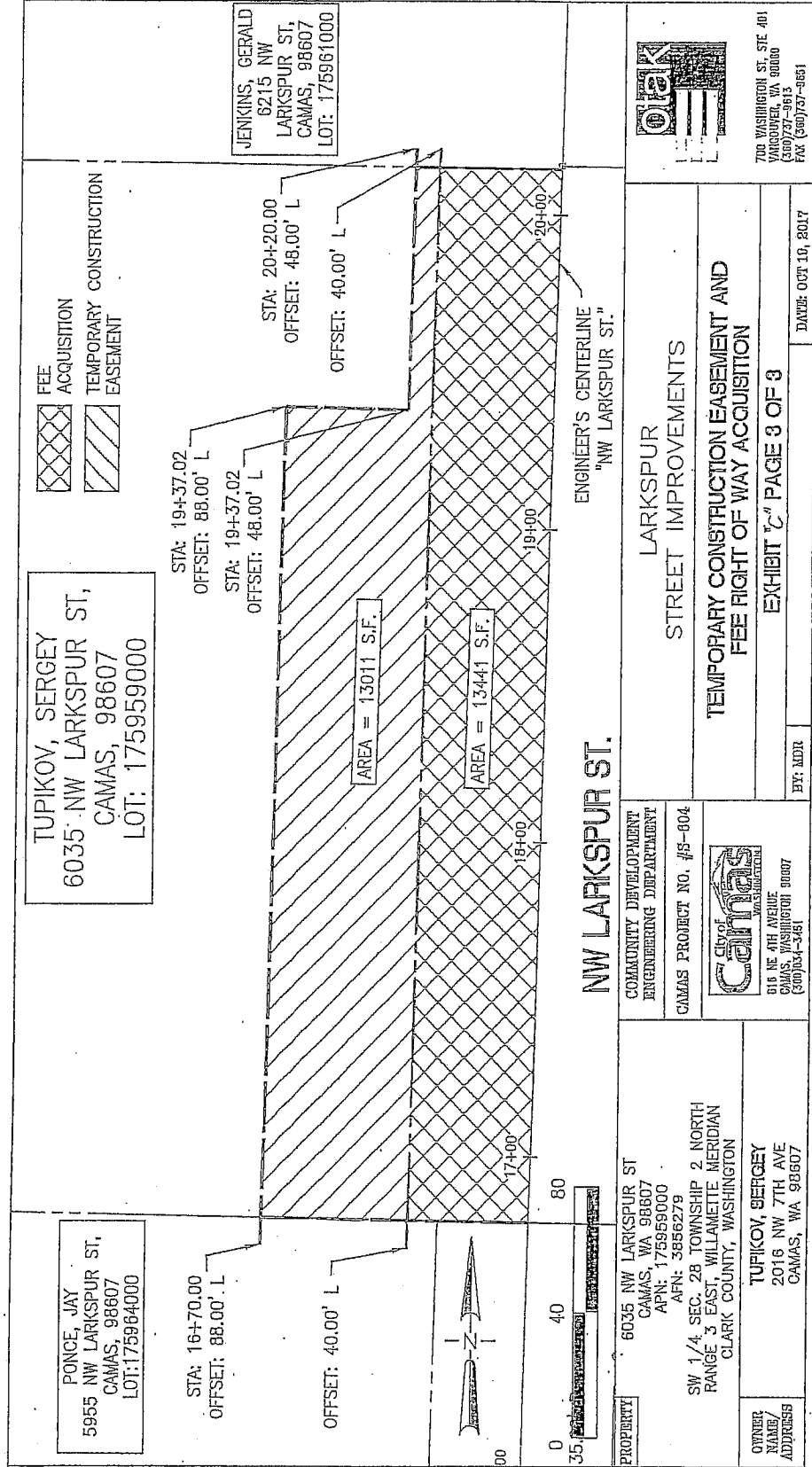
Station	to	Station	Width on Westerly Side of Center Line
16+70.00		19+37.02	88.00
19+37.02		20+20.00	48.00

EXCEPT therefrom that portion of said property included in a strip of land 40.00 feet in width, lying on the Westerly side of the center line of NW Larkspur Street, which center line is described above.

Bearings are based upon the Washington State Coordinate System 1983(2011), south zone.

This parcel of land contains 13,011 square feet, more or less.





TUPIKOV, SERGEY
6035 NW LARKSPUR ST,
CAMAS, 98607
LOT: 175959000

PONCE, JAY
5955 NW LARKSPUR ST,
CAMAS, 98607
LOT: 175964000

JENKINS, GERALD
6215 NW
LARKSPUR ST,
CAMAS, 98607
LOT: 175961000

Open
700 WASHINGTON ST, STE. 401
VANCOUVER, WA 98000
(360)737-9613
FAX (360)737-9651

LARKSPUR
STREET IMPROVEMENTS
TEMPORARY CONSTRUCTION EASEMENT AND
FEE RIGHT OF WAY ACQUISITION
EXHIBIT "C" PAGE 3 OF 3
DATE: OCT 10, 2017

COMMUNITY DEVELOPMENT
ENGINEERING DEPARTMENT
CAMAS PROJECT NO. #5-804
City of Camas
WASHINGTON
515 NE 4TH AVENUE
CAMAS, WASHINGTON 98607
(360)734-3361

PROPERTY
6035 NW LARKSPUR ST
CAMAS, WA 98607
APN: 175959000
AFN: 3856279
SW 1/4, SEC. 28 TOWNSHIP 2 NORTH
RANGE 3 EAST, WILLAMETTE MERIDIAN
CLARK COUNTY, WASHINGTON

OWNER
NAME/
ADDRESS
TUPIKOV, SERGEY
2016 NW 7TH AVE
CAMAS, WA 98607

WSDOT NARRATIVE APPRAISAL REPORT

Washington State
Department of Transportation

Parcel No.: 175964-000
Owner: Jay & Vikki Ponce
Federal Aid No.: N/A
Project: Larkspur Street Improvements
R/W Plan Title: Larkspur Street Improvements
Plan Sheet: 1 of 1
Plan Approval Date: 10/19/2017
Date of Last Map Revision: N/A

CERTIFICATE OF APPRAISER

I certify that, to the best of my knowledge and belief:

- ◆ the statements of fact contained in this appraisal are true and correct;
- ◆ the reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conclusions, and are my personal, unbiased professional analyses, opinions, and conclusions;
- ◆ I have performed no (or the specified) services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three year period immediately preceding acceptance of this assignment;
- ◆ I have no present or prospective interest in the property that is the subject of this appraisal, and I have no personal interest or bias with respect to the parties involved;
- ◆ my compensation is not contingent upon the reporting of a predetermined value or direction that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event;
- ◆ my analyses, opinions, and conclusions were developed, and this appraisal has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice and the Uniform Appraisal Standards for Federal Land Acquisitions;
- ◆ I have made a personal inspection of the property that is the subject of this report. I have made a personal inspection of the comparable sales contained in the report addenda;
- ◆ I have afforded the owner or a designated representative of the property that is the subject of this appraisal the opportunity to accompany me on the inspection of the property;
- ◆ no one provided significant professional assistance to the person signing this report. (If there are exceptions, the name of each individual providing significant professional assistance must be stated);
- ◆ I have disregarded any increase in Fair Market Value caused by the proposed public improvement or its likelihood prior to the date of valuation. I have disregarded any decrease in Fair Market Value caused by the proposed public improvement or its likelihood prior to the date of valuation, except physical deterioration within the reasonable control of the owner;
- ◆ this appraisal has been made in conformity with the appropriate State and Federal laws and requirements, and complies with the contract between the agency and the appraiser.

The property has been appraised for its fair market value as though owned in fee simple, or as encumbered only by the existing easements as described in the title report dated N/A. I made a personal inspection of the property that is the subject of this report on February 9, 2018.

The Date of Value for the property that is the subject of this appraisal is February 9, 2018.

Per the FAIR MARKET VALUE definition herein, the value conclusions for the property that is the subject of this appraisal are on a cash basis and are:

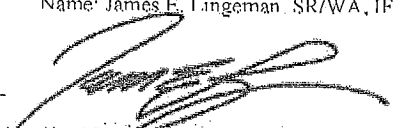
FAIR MARKET VALUE BEFORE ACQUISITION:	\$ 358,155
FAIR MARKET VALUE AFTER ACQUISITION:	\$ 321,375
DIFFERENCE:	\$36,780

Date of Assignment or Contract: 11-20-17

Name: James E. Lingeman, SR/WA, IFAS

Date Signed: 02-21-2018

Signature: _____



Washington State - Certified General Real Estate Appraiser Certification Number: 1101965

DO NOT WRITE BELOW THIS LINE

Headquarters Service Center Date Stamp

Region Date Stamp

Appraiser: James E. Lingeman, SR/WA, IFAS
2017-137F – Ponce
RES-208
Rev 09-09

Page 2

EXHIBIT 2
Page 1 of 5

SUBJECT PLOT PLAN

Before Area: 75,794 SF	After Area: 72,681 SF	Fee Acquisition: 3,113 SF
Permanent Easement Acquisition: N/A	Temporary Construction Easement: 15,660	
Limited Access/Access Notes: N/A		

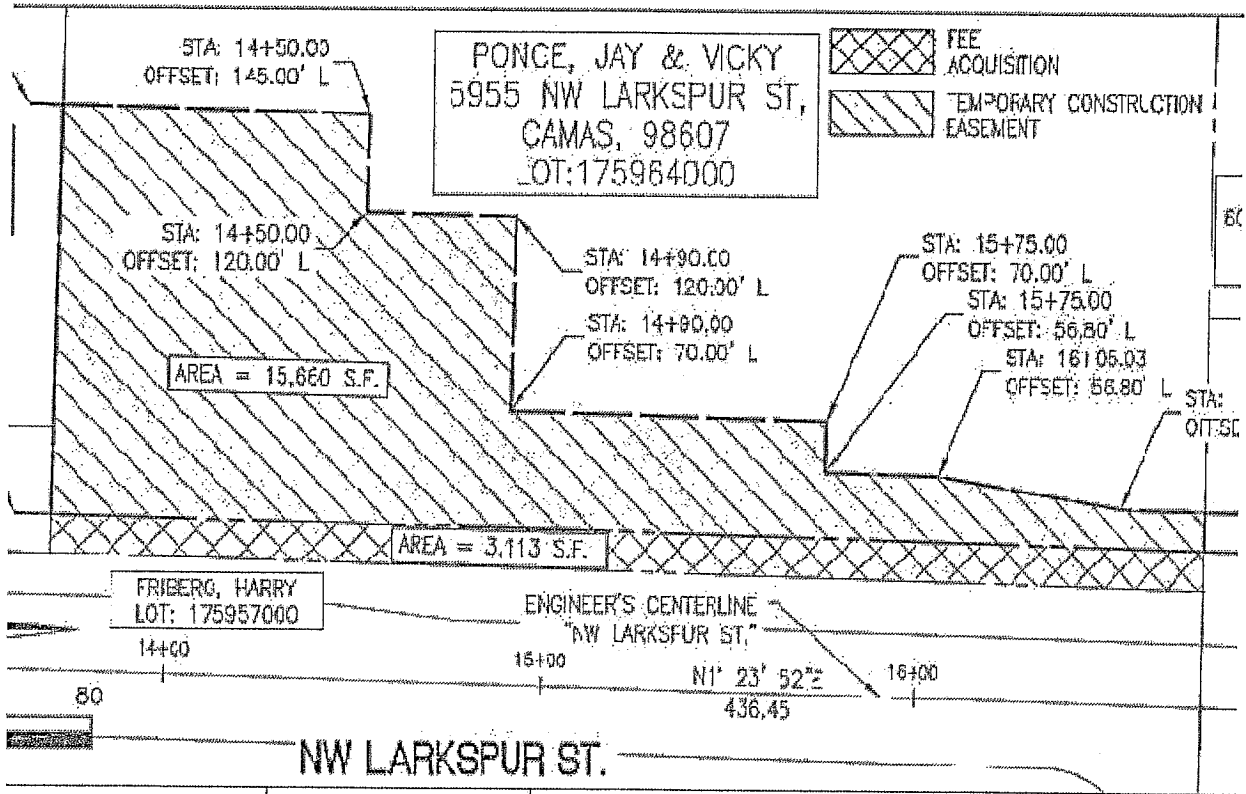


EXHIBIT 2

Page 2 of 5

Site Valuation in the After Condition:

Right of Way Acquisition Area (ROW):

This area is ±3,113 square feet and is described and displayed on the following legal description and exhibit map. The previously concluded land value of \$4.60/SF is applied to this area.

$$\pm 3,113 \text{ SF} \times \$4.60/\text{SF} = \$14,320, \text{ rounded}$$

Temporary Easement:

The common method in estimating the value impact due to a temporary construction easement is similar to a land lease whereby a reasonable annual rate of return is applied to the fee simple land value to be encumbered over the term of the lease. Rates of return for land leases vary depending upon the market conditions but typically fall in the range of 8 to 15 percent based on the following lease rates, the intended use and period of two years a lease rate of 9 percent is considered reasonable.

Based on the ±15,660 square feet to encumbered, the indicated value of the land to be encumbered is (±15,660 SF x \$4.60/SF) \$72,000, rounded. Based on an annual rate of return of approximately 9 percent and a two year term, the value of the proposed TCE is;

$$(\$72,000 \times 9\% \times 2 \text{ years}) = \$12,960$$

AFTER CONDITION VALUE:

Accordingly, the After value of the subject property can be summarized as follows:

Land:	72,681 SF x \$4.60/SF =	\$334,335
Diminution in Value due to the Temporary Construction Easement:		(\$ 12,960)
Landscaping within the Acquisition Area:		<u>\$ 0</u>
Total After Value		\$321,375

Recapitulation

A.	Value of property 'before' acquisition	<u>\$358,155</u>
B.	Value of property 'after' acquisition	<u>\$321,375</u>
C.	Difference between 'before' and 'after' values	<u>\$ 36,780</u>

EXPLANATION, MEASUREMENT, SUPPORTING DATA AND ALLOCATION OF DAMAGES, COSTS-TO-CURE, AND SPECIAL BENEFITS.

There are no damages to the remainder.

There are no special benefits to the remainder.

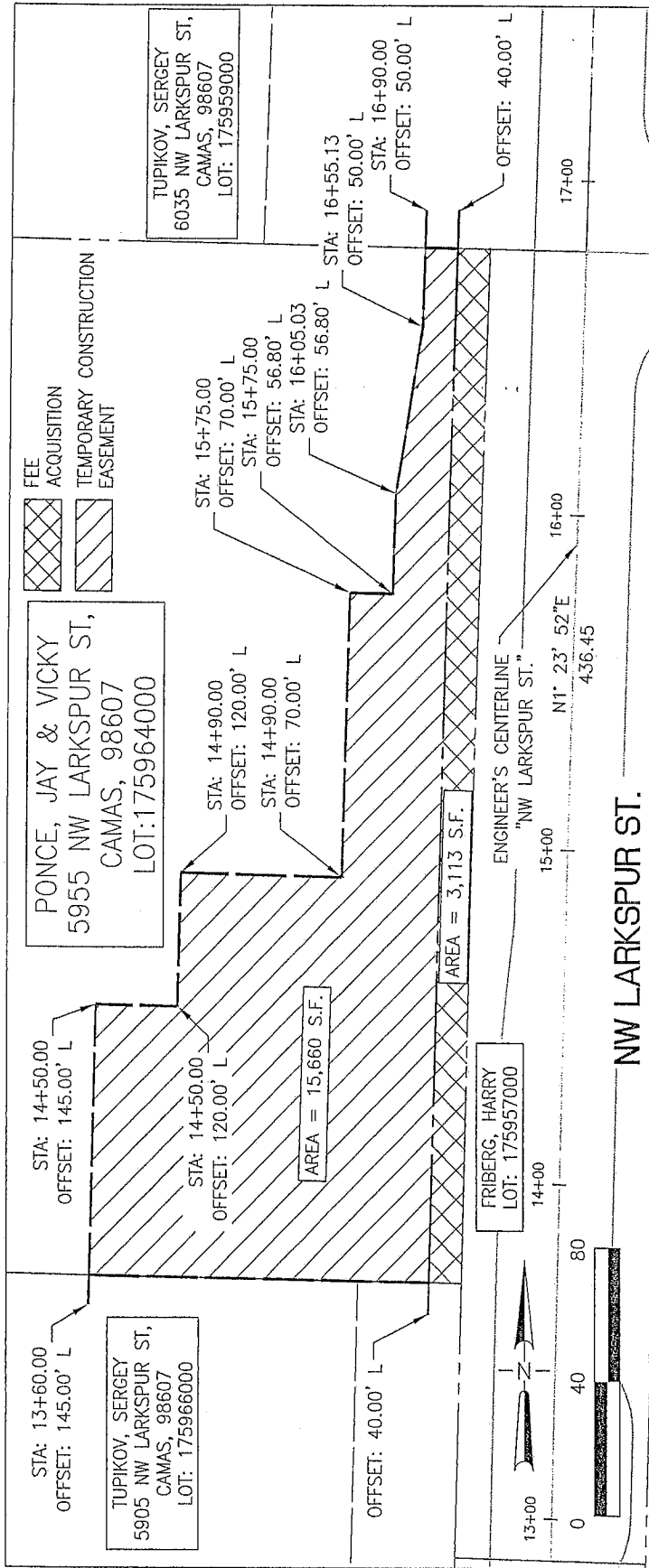
SUMMARY OF APPRAISAL CONCLUSIONS:

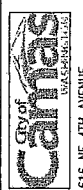

(Accounting tabulation - NOT indicative of appraisal method employed)

Indicated Subject Value 'Before' Project		
Highest and Best Use 'Before' Residential		
Land Value 'Before' \$4.60/SF x 75,794 SF	\$348,655	
Site Improvements 'Before' Project	\$9,500	
TOTAL SUBJECT VALUE 'BEFORE' PROJECT:		\$358,155
Indicated Subject Value 'After' Project		
Highest and Best Use 'After' – Residential		
Land Value 'After' – \$4.60/SF x 72,681	\$334,335	
Site Improvements 'After' Project	\$0	
Temporary Construction Easement (2 years)	(\$12,960)	
Less Cost-to-Cure (if any)	\$0	
TOTAL SUBJECT VALUE 'AFTER' PROJECT:		\$321,375
Estimated Value Allocation of Rights Acquired		
Land=		
Fee Purchase – 3,113 SF	\$14,320	
Temporary Construction Easement – 15,660 SF	\$12,960	
Total Land		\$27,280
Total Improvements –		
Landscaping, grass, cedar fencing and graded gravel		\$9,500
Total Acquisition		\$36,780
Plus Damages and Cost-to-Cure		-0-
Cost-to-Cure		
Loss in Value 'After'	\$	
Total Damages and Cost-to-Cure		-0-
Less Special Benefits (if any)	\$	-0-
Total Estimated Owner Compensation		\$36,780

Note: Totals should be rounded to nearest significant market number. Total Subject value 'before' Less Total Subject value 'after' must equal Estimated Owner Compensation

EXHIBIT 2
 Page 4 of 5



PROPERTY 5955 NW LARKSPUR ST CAMAS, WA 98607 APN: 175964000 AFN: 3715574 SW 1/4, SEC. 28 TOWNSHIP 2 NORTH RANGE 3 EAST, WILLAMETTE MERIDIAN CLARK COUNTY, WASHINGTON	COMMUNITY DEVELOPMENT ENGINEERING DEPARTMENT CAMAS PROJECT NO. #S-604  616 NE 4TH AVENUE CAMAS, WASHINGTON 98607 (509)834-3451		BY: MDR DATE: JAN. 16, 2017
	LARKSPUR STREET IMPROVEMENTS TEMPORARY CONSTRUCTION EASEMENT AND FEE RIGHT-OF-WAY ACQUISITION EXHIBIT 'B' PAGE 3 OF 3		
OWNER NAME/ ADDRESS PONCE, JAY and VICKY 5955 NW LARKSPUR ST CAMAS, WA 98607	 700 WASHINGTON ST. STE 401 VANCOUVER, WA 98660 (360)737-5613 FAX (360)737-9651		

