

BEFORE THE SHORELINE HEARINGS BOARD
IN THE STATE OF WASHINGTON

CITIZENS TO SAVE LACAMAS LAKE,

Appellants,

No. SHB 88-33

v.

AGREED ORDER OF REMAND

CITY OF CAMAS, VANPORT
MANUFACTURING,

Respondents.

CITIZENS TO SAVE LACAMAS LAKE,

Appellants,

v.

STATE OF WASHINGTON,
DEPARTMENT OF ECOLOGY,

Respondents.

COMES NOW the parties to the above action and enter into this Agreed Order of Remand under which it is mutually agreed that the Substantial Development Permit (City of Camas Permit No. 2-87) and Shoreline Conditional Use Permit (Camas Permit No. 590-14-7806) shall be remanded to the City of Camas to be reissued with the following instructions:

1. Provided that the necessary permits are issued, Vanport Manufacturing, Inc. (the "Developer"), agrees to complete by January 1, 1990, the construction of the public pedestrian trail located over the entire length of the project's shoreline, including the portion on the city park property donated by the Developer, all

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as depicted as the "public Pedestrian trail" in the site plan attached hereto and made a part hereof as Exhibit.A. If permitting problems arise, the Developer agrees to diligently pursue obtaining said permits.

2. The Developer agrees to provide a letter of credit to the City of Camas to assure completion of the public pedestrian trail. Such financial assurance shall be in an amount agreed upon by the City of Camas and the Developer, and may be in the form of a decreasing term and revolving letter of credit based upon the portion of the trail yet to be completed.

3. The Developer agrees to dedicate in fee to the City of Camas, should they accept it, a 100-foot conservancy zone along the shoreline of the development, excepting that portion of the conservancy zone which enters the wetland or the private access areas. This property is designated in Exhibit A as the "conservancy zone." The homeowner's association formed in the development shall continue to maintain the public pedestrian trail in perpetuity except that portion of the trail located in the city park.

4. The Developer agrees to commit a portion of the property now reserved for potential wetland use to be developed immediately as part of the man-made wetlands created as part of the biofilter storm drainage system on the project. This additional property is depicted as the "newly-created wetlands" on the site plan attached as Exhibit A. These newly-created wetlands and all other wetlands and land reserved for potential future wetlands shall continue to be

1 | governed by the conditions and monitoring program set forth in the
2 | existing permit conditions.

3 | 5. In consideration for the additional acreage contributed to
4 | the man-made wetlands, the Developer shall have the right to recon-
5 | figure the lots in the existing site plan to obtain up to 218
6 | residential lots in the development.

7 | 6. The water quality monitoring and contingency program
8 | contained within the existing permit conditions shall continue for
9 | the longer of five years commencing the date of the reissuance of
10 | the Substantial Development Permit and Conditional Use Permit or
11 | until such time that 75% of the lots depicted as "lots within
12 | biofilter drainage" on Exhibit A are developed.

13 | 7. The Developer and homeowner's association shall allow the
14 | members of the public to access the public trail through the private
15 | access designated as the "private access/permitted public access"
16 | in Exhibit A. The public shall be allowed access through this
17 | private access so long as such use does not contribute to such
18 | increased traffic, parking, congestion, vandalism or other nuisance
19 | that contributes an unreasonable interference with the quiet enjoyment
20 | of the homeowners residing in the development. Any signatory to
21 | this Order shall have the right to petition the City of Camas to
22 | present evidence that the public access is contributing to the
23 | disruption of the quiet enjoyment of the homeowners. Upon a finding
24 | by the City that the public access has contributed to an unreasonable
25 |

1 | disruption of quiet enjoyment, the homeowner's association shall
2 | have the right to restrict further access to the public as deemed
3 | appropriate by the City of Camas or the Department of Ecology.
4 | Should any party to this Order be dissatisfied with the decision of
5 | the City of Camas, that party may petition the Department of Ecology,
6 | whose decision shall be final. In no event shall this private
7 | access be accessible to members of the public before dawn or after
8 | dusk.

9 | 8. The Developer, the Department of Ecology, and the appellants
10 | shall agree on a mutual press release which shall contain the factual
11 | circumstances surrounding the settlement and dismissal of this matter.

12 | WHEREFORE, by agreement of all the parties, IT IS ORDERED
13 | that this matter be remanded to the City of Camas and that the City
14 | shall reissue the Substantial Development Permit and Conditional Use
15 | Permit cited above as modified by the foregoing, the entry hereto
16 | establishes the approval by the Department of Ecology of the Con-
17 | ditional Use Permit as modified. The reissuance by the City of Camas
18 | will result in permits within the scope and intent of the application
19 | and will not require further public hearings as the remand follows
20 | solely from this Order.

21 | As a result of this Order appellants agree that the appeal of
22 | this matter and all rights pertaining to it are dismissed with
23 | prejudice.

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27 |

DONE at Lacey, Washington, this _____ day of September, 1988.

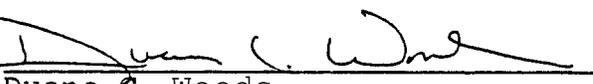
SHORELINES HEARINGS BOARD

0.4.11.4917

WILLIAM A. HARRISON
Administrative Appeals Judge

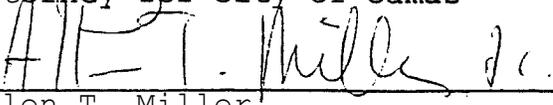
Presented by:

HELLER, EHRMAN, WHITE & McAULIFFE

By 
Duane C. Woods
Attorney for Defendant
Vanport Munafaring

By 
John Karpi ski
Attorney for Citizens to Save Lacamas Lake

By 
Roger D. Knapp
Attorney for City of Camas

By 
Allen T. Miller
Attorney for Department of Ecology

4cfs

CONTINGENCY
RESERVE AREA

BASIN "D"
OUTFALL
25cfs

AREA OF TRAIL ACCESS
FOR RESIDENTS

INDICATES TYPICAL
GAZEBO LOCATIONS

NEWLY CREATED WETLANDS

WETLANDS AS DEFT
SHAPIO & ASSOC!!

*RCW
RDR
ATTN*

CONTINGENDi10ESEII

