ORDINANCE NO. 2389

AN ORDINANCE amending Chapter 18.55 of the Camas Municipal Code by revising the administrative procedures for land use development permit applications.

WHEREAS, the Council heretofore adopted Chapter 18.55 of the Camas Municipal Code, which established administrative procedures for processing land use development permits, and

WHEREAS, the Council desires to modify and update the provisions of Chapter 18.55 by reconciling inconsistencies with other code provisions and by incorporating additional procedures for newly adopted development code regulations,

NOW, THEREFORE, THE COUNCIL OF THE CITY OF CAMAS DO ORDAIN AS FOLLOWS:

Section I

Chapter 18.55 of the Camas Municipal Code is amended to read as set forth in Exhibit "A" attached hereto.

Section II

This ordinance shall take force and be in effect five (5) days from and after its publication according to law.

PASSED by the Council and APPROVED by the Mayor this 8th day of November, 2004.

SIGNED: Paul Dennis
Mayor

ATTEST: John M. Aurgin
Clerk

APPROVED as to form:

City Attorney

Chapter 18.55 ADMINISTRATION AND PROCEDURES

Sections:

Article I General Procedures

18.55.010 Procedures for Processing Development Permits.
18.55.020 Determination of Proper Procedure Type.
18.55.030 Summary of decision making processes.

Article II Pre-Filing Requirements

18.55.050 Initiation of action.
18.55.060 Pre-application conference meeting - Type II, Type III, Type IV.

Article III Application Requirements

18.55.100 Application requirements for Type II~~,~~ or Type III applications.
18.55.110 Application - required information.
18.55.120 Signage - Development Application - Type III.
18.55.130 Letter of Completeness Type II, Type III, or SMP.

Article IV Public Notices and Hearings

18.55.150 Notice of Application - Type III.
18.55.165 SEPA -Threshold determination and consolidated review.
18.55.170 Optional public notice.
18.55.180 Hearings process –Type III applications.
18.55.190 Hearings Notice –Type III applications.

Article V Decisions and Appeals

18.55.200 Appeals - Generally.
18.55.210 Appeals - Type II, Consolidated Review, SMP and/or SEPA.
18.55.220 Conditions of approval.
18.55.230 Notice of decision.
18.55.240 Judicial Appeals.
18.55.250 Reapplication limited.
18.55.260 Expiration of a Type II, or Type III decisions.
18.55.280 Modification of Conditions.
18.55.290 Minor Amendments or Modifications.

Article VI Miscellaneous Processes

18.55.305 Joint public hearings.
18.55.320 Type IV - Legislative hearing process.
18.55.330 Shoreline Master Program Permits.
18.55.340 Development agreements.
18.55.345 Final Plat approval.

Article VII Code Conflicts

18.55.350 Applicability in the event of conflicts.
18.55.360 Severability.

Article VIII Enforcement

18.55.400 Enforcing authority.
18.55.410 General penalty.
18.55.420 Application.
18.55.430 Civil regulatory order.
18.55.440 Civil fines.
18.55.450 Review of approved permits.
18.55.460 Revocation of permits or approvals.

Article I General Procedures

18.55.010 Procedures for Processing Development Permits
For the purpose of project permit processing, all development permit applications shall be classified as one of the following: Type I, Type II, Type III, BOA, SEPA, Shoreline, or Type IV.

18.55.020 Determination of Proper Procedure Type.

A. Determination by Director. The Public Works Director or designee (hereinafter the "Director"), shall determine the proper procedure for all development applications. If there is a question as to the appropriate type of procedure, the determination shall be at the Director's discretion.

B. Optional Consolidated Permit Processing. An application that involves two or more project permits may be submitted concurrently and processed with no more than one open record hearing and one closed record appeal. If an applicant elects this process upon submittal and in writing, the determination of completeness, notice of application, and notice of decision or final decision shall include all project permits reviewed through the consolidated permit process.

Under this process, all project permits that otherwise require an open record hearing shall be combined and heard by the Planning Commission at one hearing with a recommendation being made to the City Council. The City Council will decide the matter based on the record.

18.55.030 Summary of decision making processes.
The following decision making process table provides guidelines for the City's review of the indicated permits:

Table 1 - Decision making process

	APPROVAL PROCESS						
Permit Type	**I**	**II**	**III**	**Shore**	**SEPA**	**BOA**	**IV**
Archaeological		X	X				
Site Plan Review		X					
Conditional Use			X				
Design Review	X	X					
LI/BP		X(1)	X				
Home Occupations	X (type A)	X (type B)					
Sensitive Areas/OS		X	X				
Temporary Uses		X					
Minor Modifications	X						
SEPA Threshold Determination					X		
Shorelines Permit				X			
Boundary Line Adjustment	X						
Short Plat		X					
Preliminary Subdivision Plat			X				
Final Plats (2)							
Binding Site Plans		X					
Planned Developments			X				
Variance (Minor)	X						
Variances (Major)						X	
Zone Change/Single Tract			X				
Plan/Zone Change							X
Zone Code Text Changes							X
Building Permits	X					X	
Certificate of Occupancy	X						
Sign Permits	X						

(1) For development proposals subsequently submitted as part of an approved master plan, subarea plan, or binding site plan.
(2) 18.55.345 for final plat approval.

Permit Types

A. Type I Decisions. The Public Works Director or designee shall render all Type I decisions.

Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval standards. Type I decisions include, but are not limited to, site plan approval of building or other specialty permits and final subdivision and planned unit development plans where there are no material deviations from the approved preliminary plans. The process requires no public notice. The approval authority's decision is generally the final decision of the City. Type I decisions by the Building Division may be appealed to the Board of Adjustment.

B. Type II Decisions. The Public Works Director or designee shall render the initial decision on all Type II permit applications.

Type II decisions involve the exercise of some interpretation and discretion in evaluating approval criteria. Applications evaluated through this process are assumed to be allowable in the underlying zone. City review typically focuses on what form the use will take, where it will be located in relation to other uses and natural features and resources, and how it will look. However, an application shall not be approved unless it is or can be made to be consistent through conditions with the applicable siting standards and in compliance with approval requirements. Upon receipt of a complete application, the Director determines completeness, issues a notice of application (consolidated review only), reviews and renders a notice of decision. The Directors decision shall become final at the close of business on the 14th day after the date on the decision unless an appeal is filed. If an appeal is received, generally the City Council will review the decision based on the record and the City Council decision will be the City's final decision.

C. Type III Decisions. The City Council shall render all Type III decisions.

Type III decisions involve the greatest amount of discretion and/or evaluation of approval criteria. Applications evaluated through this process commonly involve conditional uses, subdivisions and development within the City's Light Industrial/ Business Park. Upon receipt of a complete application, notice of public hearing is mailed to the owners of record of the subject property, the applicant and owners of real property within 300 feet of the subject tract, based upon Clark County assessment records. The Notice of Public Hearing is issued at least 14 days pre-hearing, and the staff report is generally made available 5 days pre-hearing. If a SEPA threshold determination is required, the notice of hearing shall be made at least 15 days pre-hearing and indicate the threshold determination made as well as the timeframe for filing an

appeal. The Planning Commission shall accept into the record all testimony and evidence relevant to the matter, prior to the close of the hearing. The Planning Commission makes a recommendation to the City Council who makes the final decision based on the record.

D. Shoreline (SMP, Shore): The Public Works Director acts as the "administrator". A Shoreline Management Review Committee reviews a proposal and either determines to issue a permit or forward the application along to the Planning Commission. The Shoreline procedures are specified in Chapter 18.88.

E. SEPA (State Environmental Policy Act): When the City of Camas is the lead agency, the Public Works director shall be the responsible official. The procedures for SEPA are generally provided for under Title 16 of the Camas Municipal code as well as 18.55.160 and 18.55.165.

F. Board of Adjustment decisions are the final decision of the City except as provided in 18.45.020.

G. Type IV Decisions. Type IV decisions are legislative actions which involve the adoption or amendment of the City's land use regulations, comprehensive plan, map inventories and other policy documents that affect the entire City, large areas, or multiple properties. These applications involve the greatest amount of discretion and evaluation of subjective approval criteria, and must be referred by majority vote of the entire Planning Commission onto the City Council for final action prior to adoption by the City. The City Council's decision is the City's final decision.

Article II Pre-Filing Requirements

18.55.050 Initiation of action.

Except as otherwise provided, Type I, II, III or BOA applications may only be initiated by written consent of the owner(s) of record or contract purchaser(s). Legislative actions may be initiated at the request of citizens, the City Council, Planning Commission, or Department Director or Division Manager.

18.55.060 Pre-application conference meeting -Type II, Type III.

(A) Prior to submitting an application for a Type II or Type III application, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal. The pre-application conference shall follow the procedure set forth by the Director.

(B) To schedule a pre-application conference, the applicant shall contact the Planning Division. The purpose of the pre-application conference is for the applicant to provide a summary of the applicant's development proposal to

staff and in return, for staff to provide feedback to an applicant on likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Director may provide the applicant with a written summary of the pre-application conference within 10 days after the pre-application conference.

(C) Notwithstanding any representations by City staff at a pre-application conference, staff is not authorized to waive any requirements of the City Code. Any omission or failure by staff to recite to an applicant all relevant applicable code requirements shall not constitute a waiver by the City of any standard or requirement.

(D) A pre-application conference shall be valid for a period of 180 days from the date it is held. If no application is filed within 180 days of the conference or meeting, the applicant must schedule and attend another conference before the City will accept a permit application. Any changes to the code or other applicable laws which take effect between the pre-application conference and submittal of an application shall be applicable.

(E) The Director may waive the pre-application requirements if, in the Director's opinion, the development does not warrant these steps.

(F)

Article III Application Requirements

18.55.100 Application requirements for Type II, or Type III applications. All type II, or type III applications must be submitted at the Planning Division office on the most current forms provided by the City, along with the appropriate fee and all necessary supporting documentation and information, sufficient to demonstrate compliance with all applicable approval criteria. The applicant has the burden of demonstrating, with evidence, that all applicable approval criteria are, or can be met.

18.55.110 Application - required information.
A Type II, or Type III application includes all the materials listed in this subsection. The Director may waive the submission of any of these materials if not deemed to be applicable to the specific review sought. Likewise, the Director may require additional information, beyond that listed in this subsection or elsewhere in the City Code, such as a traffic study or other report prepared by an appropriate expert, where needed to address relevant approval criteria. In any event, the applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation. Unless specifically waived by the Director, the following must be submitted at the time of application:

A. One copy of a completed City application form(s) and required fee(s);

B. A complete list of the permit approvals sought by the applicant;

C. A current (within 30 days prior to application) mailing list of owners of real property within 300 feet of the subject parcel, certified as based on the records of the Clark County Assessor.

D. A complete and detailed narrative description that describes the proposed development, existing site conditions, existing buildings, public facilities and services and other natural features. The narrative shall also explain how the criteria are or can be met, and address any other information indicated by staff at the pre-application conference as being required;

E. Necessary drawings in the quantity specified by the Director;

F. Copy of the pre-application meeting notes (Type II and Type III);

G. SEPA Checklist, if required.

18.55.120 Signage - Development Notice - Type III.
Signage - Development Application: Prior to an application being deemed complete and scheduled for public hearing, the applicant shall post, one 4' X 8' sign per road frontage. The sign shall be attached to the ground with at minimum two 4"X4" posts or better. The sign shall be clearly visible from adjoining rights of way and generally include the following:

A. Description of Proposal;

B. Types of permit applications on file and being considered by the City of Camas;

C. Site plan;

D. Name and phone number of Applicant and City of Camas contact for additional information.

E. A statement that a public hearing is required and scheduled as follows:

1. Hearing Date and time:
2. Hearing Location:

Adequate space shall be provided for the date and location of the hearing to be added upon scheduling by the City.

The development sign shall remain posted and in reasonable condition until a final decision of the City is issued and shall be removed by the applicant within 14 days of the Notice of Decision by the City.

18.55.130 Letter of Completeness Type II, Type III, or SMP.

A. Upon submission of a Type II, Type III, or SMP application, the Director should date stamp the application form and verify that the appropriate application fee has been submitted. The Director will then review the application and evaluate whether the application is complete. Within 28 days of receipt of the application, the Director shall complete this initial review and issue to the applicant a completeness letter indicating whether or not the application is complete. If not complete, the Director shall advise the applicant what information must be submitted to make the application complete.

B. If the director does not issue a letter of completeness or incompleteness within 28 days, the application will be presumed complete on the 28th day after submittal.

C. Upon receipt of a letter indicating the application is incomplete, the applicant has 180 days from the original application submittal date within which to submit the missing information or the application shall be rejected and all materials returned to the applicant. If the applicant submits the requested information within the 180 day period, the Director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection (A) of this section.

D. Once the Director determines the application is complete, or the applicant refuses in writing to submit any additional information, the City shall declare the application complete and generally take final action on the application within 120 days of the date of the completeness letter. The timeframe for a final decision may vary due to requests by the City to correct plans, perform required studies, provide additional required information, extensions of time agreed to by the applicant and the city, or delays related to simultaneous processing of Shoreline's or SEPA reviews.

E. The approval criteria and standards which control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted or as prescribed by a development agreement.

Article IV Public Notices and Hearings

18.55.150 Notice of Application - Type III, or Type IV.

A. Notice of Application Required: A notice of application will be required for all Type III applications

B. Contents. The notice of a Type III application shall include:

1. The date of application, the date of the notice of completeness, and the date of the notice of application;

2. A description of the proposed project action and a list of project permits included in the application, and, if applicable, a list of any studies requested.

3. The identification of other permits not included in the application, to the extent known by the City;

4. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;

5. A statement of the limits of the public comment period, which shall be fifteen (15) days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights;

6. The date, time, and place of hearing, if applicable and known;

7. A statement of the preliminary determination of consistency, if one has been made at the time of notice, and of those development regulations that will be used for project mitigation and consistency as provided in Title 16;

8. Any other information determined appropriate by the City, such as the City's threshold determination.

C. Time frame for issuance of Notice of Application.

1. Within fourteen (14) days after the City has made a determination of completeness of a project permit application, the City shall issue a notice of application.

2. If any open record pre-decision hearing is required for the requested project permit(s), the mailed notice of application shall be provided at least fifteen (15) days prior to the open record hearing.

D. Published: The Notice of Application shall be published in the City's official newspaper of general circulation in the general area where the proposal is located.

E. Mailed: The Notice of Application shall be mailed to all owners of record of the subject property and all owners of real property generally located within 300 feet of the subject property based on Clark County GIS records.

F. Preliminary Plat Actions. In addition to the Notice of Application requirements above for preliminary plats and proposed subdivisions, additional notice shall be provided as follows:

1. Notice of the filing of a preliminary plat adjacent to or within one mile of the municipal boundaries of the city, or which contemplates the use of any city or town utilities shall be given to the appropriate city or town authorities.

2. Notice of the filing of a preliminary plat of a proposed subdivision adjoining the City limits shall be given to the appropriate county official.

3. Notice of the filing of a preliminary plat of a proposed subdivision located adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport shall be given to the secretary of transportation, who must respond within 15 days of such notice.

4. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, notice under this section shall be given to owners of real property located within three hundred feet of any portion of the boundaries of such adjacently located parcels of real property owned by the owner of the real property proposed to be subdivided.

18.55.165 SEPA threshold determinations and consolidated review.

A. Notice of Threshold Determinations: Under a consolidated review, Notice of a Threshold Determination will be mailed to those agencies, individuals or entities submitting comment within the comment period and to all owners of record of the subject property and all owners of real property generally located within 300 feet of the subject property based on Clark County GIS Records. Where a Notice of Public Hearing is required, the Threshold Determination may be combined with such notice. An applicant

is responsible for submitting a certified list of the property owners to be notified and mailing labels of this list.

B. Public Hearing on Project Permit. If an open record pre-decision hearing is required for the underlying project permit application, the City shall issue its threshold determination at least 15 days prior to the open record pre-decision hearing.

C. Consolidated Appeals. All SEPA related appeals, other than a DS, shall be consolidated with the open record hearing, or appeal, if any, on the underlying project application.

D. DS appeals shall be heard in a separate open record hearing prior to the open record hearing, if applicable, on the underlying project application. The purpose for this early separate appeal hearing is to resolve the need for an environmental impact statement (EIS) and to permit administrative and judicial review, prior to preparation of and EIS.

E. Notice of Appeal - Timing and Content

1. All SEPA appeals shall be filed in writing with the City of Camas Clerk accompanied by the required filing fee.

2. The notice of appeal shall identify the appellant, establish standing, and set principal points of the appeal.

3. The notice of appeal shall be filed no later than fourteen (14) days after the threshold determination has been issued.

18.55.170 Optional Public Notice.
As optional methods of providing public notice of any project permit(s), the City may utilize one or more of the following:

A. Notify the public or private groups with known interest in a certain proposal or in the type of proposal being considered;

B. Notify the news media;

C. Place notices in appropriate regional, local, or neighborhood newspapers or trade journals;

D. Publishing notice in City newsletters or sending notice to agency mailing lists, either general lists or lists for specific proposals or subject areas; and

E. Mailing to neighboring property owners.

F. Placing notice on the City of Camas official web site.

The City's failure to provide the optional notice as described in this section shall not be grounds for invalidation of any permit decision.

18.55.180 Hearings process –Type III applications.
Type III public hearings shall be open record and comply with the procedures of this section.

A. The Director shall not schedule a public hearing prior to an application being complete.

B. Notice of the hearing on Type III applications shall be as provided in this chapter.

C. The Director shall prepare a staff report on the application which identifies the applicable approval criteria, describes the application and the applicant's proposal, summarizes all relevant City department, agency and public comments, describes all other known pertinent facts as they relate to the application and the approval criteria, and makes a recommendation as to whether the approval criteria are satisfied or could be satisfied with conditions.

D. The Planning Commission shall conduct a public hearing in accordance with its rules of procedures and make a recommendation to the City Council supported by the record as to whether to approve, approve with conditions, or deny an application.

E. Continuances: If for any reason, a hearing on a pending action cannot be completed on the date set in the public notice, the meeting or hearing may be continued to a date certain and no further notice under this section is required. The Planning Commission may limit the submittal of additional information at a continued hearing.

F. The City Council, in a closed record meeting, considers the Planning Commission record and makes a final decision on the matter. The City Council may approve, approve with conditions, deny, or remand the matter for further specific consideration.

18.55.190 Hearings Notice

A. A Notice of Public Hearing is required for all open record quasi-judicial hearings for which a scheduled hearing date was not included in a Notice of Application.

1. Mailed Notice: At least 15 days prior to a hearing prepare and send by mail, notice of hearing to all owners of record of the subject property and all owners of real property generally located within 300 feet of the subject property based on Clark County GIS Records. An applicant is

responsible for submitting a certified list of the property owners to be notified and mailing labels of this list.

2. Published Notice: At least 14 days prior to a hearing, publish the notice of hearing in a newspaper of general circulation within the City.

3. Content of Notice under section 1 or 2, above:

   a. The time, date and location of the public hearing;

   b. A general description of the proposed project;

   d. The street address or other easily understood location of the subject property and City assigned case file number;

   e. A timeframe for submitting written comments for inclusion in the Planning Commission packet;

   f. If a SEPA threshold determination is required, notice under section 1 above, may include the notice of the threshold determination;

   g. A description of other project administrative decisions or determinations and appeal periods.

4. Failure to satisfy the notice requirements of this section shall not invalidate the proceeding.

Article V Decisions and Appeals

18.55.200 Appeals - Generally.

Appeals of any decisions of the City must be filed in the manner and on forms provided by the City and comply with the requirements of this section.

A. Type I decisions are not appealable to any other decision maker within the City.

B. A Notice of Appeal of a Type II or SMP or SEPA decision must be received in writing by the Planning Division within 14 calendar days of the date on the decision.

   1. Appeal of a decision under this subsection received prior to an open record hearing on a consolidated project review shall be consolidated with the open record hearing.

   2. If an appeal is filed after an open record hearing on a consolidated permit review, it shall be a closed record appeal before the City Council and considered at the same meeting as the Planning

Commission recommendation on the consolidated open record hearing. [RCW 36.70B.060(6)]

3. If no open record hearing is otherwise provided, an appeal under this section shall be based on the record before the City Council.

4. Appeals shall include not more than one open record hearing before the Planning Commission and a closed record decision by the City Council.

C. Type III - Planning Commission recommendations are not appealable. However, any party may submit written arguments based on the record to refute the Planning Commission recommendation no later than 7 days prior to the City Council Meeting on the matter.

D. BOA decisions are not appealable to any other decision maker within the City, except as provided in 18.45.020. The actions of the Board of Adjustment in granting or denying an application, shall be final and conclusive, unless within 21 days from the date of the BOA's action, the original applicant or an aggrieved party petitions the Superior Court of Clark County under the Land Use Petition Act.

18.55.210 Appeals - Type II, SMP.
All Type II or SMP appeals not part of a consolidated review shall be conducted in a closed record meeting before the City Council and comply with the procedures of this section.

A. Timing. Appeals under this section shall be made no later than the close of business on the 14th day after the date on the notice of decision.

B. Content of Appeal. Appeals shall be in writing, be accompanied by an appeal fee, and contain the following information:

1. Appellant's name, address and phone number;

2. Appellant's statement describing his or her standing to appeal;

3. Identification of the application which is the subject of the appeal;

4. Appellant's statement of grounds for appeal and the facts upon which the appeal is based;

5. The relief sought, including the specific nature and extent;

6. A statement that the appellant has read the appeal and believes the contents to be true, following by the appellant's signature.

C. Once the Director determines that an application an appeal of a Director's decision or determination has been properly filed, the Director shall schedule a closed record hearing before the City Council.

D. Notice of an appeal under this section shall be made to those entitled to notice of the decision or determination.

18.55.220 Conditions of approval.

A. All City decision makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards are, or can be, met.

B. The applicant retains the burden of demonstrating that applications comply with the approval criteria or can and will comply with the approval criteria through the imposition of conditions of approval. Further, the applicant must file evidence demonstrating that approval criteria can be met with the imposition of conditions as well as demonstrate a commitment to comply with conditions of approval.

C. Failure to comply with any condition of approval shall be grounds for revocation of the permit(s) and grounds for instituting code enforcement proceedings pursuant to the City code.

18.55.230 Notice of decision

A. **Type II or BOA process.** The City shall mail a notice of all decisions rendered under a Type II or BOA process. Except as otherwise provided in the Camas Municipal Code, notice of type II or BOA decisions shall be mailed to all property owners within 300 feet of the subject property based on Clark County GIS Records.

B. **Type III decisions:** The City shall mail a notice of all decisions rendered under a Type III process. Mailed notice of the decision shall be as follows:

1. Any person, who prior to rendering of the decision, requested notice of the decision or submitted substantial comments on the application;

2. Those who were provided a notice of application;

Those individuals signing a petition and not otherwise submitting substantial comments are not entitled to a notice of decision.

C. The notice of decision shall include the following information:

1. The file number and effective date of decision;

2. The name of the applicant, owner and appellant (if different);

3. The street address or other easily understood location of the subject property;

4. A brief summary of the decision, and if an approval, a description of the use approved;

5. The contact person, address and a telephone number whereby a copy of the final decision may be inspected or copies obtained.

D. For initial Type II decisions or SMP decisions not requiring an open public hearing, a statement that the decision(s) are final at the close of business on the 14th day after the date on the decision unless appealed, and description of the requirements for perfecting an appeal;

E. For consolidated reviews - Notice of Decision for administrative decisions and determinations may be included in the Notice of Public Hearing for those portions of a development requiring a public hearing.

F. A statement of appeal rights and timing.

18.55.240 Judicial Appeals.
The City's final decision on an application may be appealed by a party of record with standing to file a land use petition in Clark county Superior Court. Such petition must be filed within twenty-one days after issuance of the decision, as provided in chapter 36.70C RCW.

18.55.250 Reapplication limited.
If an application is denied, or withdrawn following the close of the public hearing, no reapplication for the same or substantially similar proposal may be made for one year following the date of final decision denying the permit or the date of withdrawal.

18.55.260 Expiration of a Type II, or Type III decisions.

A. Type II or Type III approvals automatically become void, if no time frame is specified in the approval, and if any of the following events occur:

1. If, within two years of the date of the final decision, all necessary building permit(s) have not been issued, if required; or

2. If, within two years of the date of the final decision, the development action or activity approved in the decision is not initiated.

B. Notwithstanding Subsection (A) of this section, subdivision plats, short plats, or lot line adjustments must be recorded within five years of final plat approval.

C. New application required. Expiration of an approval shall require a new application for any use on the subject property that is not otherwise allowed outright.

D. Deferral of the expiration period due to appeals. If a permit decision is appealed beyond the jurisdiction of the City, the expiration period shall not begin until review before the appellate courts has been completed, including any remand proceedings before the City. The expiration period provided for in this section will begin to run on the date of final disposition of the case (the date when an appeal may no longer be filed).

18.55.280 Modification of Conditions.
Any request to modify a condition of permit approval shall be processed in the same manner, and shall be subject to the same standards, as was the original application provided the standards and criteria used to approve the decision are consistent with the current code. However, the decision maker may at its sole discretion, consider a modification request and limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved.

18.55.290 Minor Amendments or Modifications
Minor amendments or modifications to approved developments or permits. Minor amendments are those which may affect the precise dimensions or location of buildings, accessory structures and driveways, but do not affect (I) overall project character, (ii) increase the number of lots, dwelling units, or density, or (iii) decrease the quality or amount of open space, or (iv) vary from specified dimensional standards of this title. Minor amendments are Type I decisions.

Article VI Miscellaneous Processes

18.55.300 Joint public hearings

A. Decision to hold joint hearing. The Director may combine any public hearing on a project permit application with any hearing that may be held by another jurisdiction, state, regional, federal, or other agency, on the proposed action, as long as: (1) the hearing is held within the city limits; and (2) the requirements of subsection C below are met.

B. Applicants request for a joint hearing: The applicant may request that the public hearing on a permit application be combined as long as the joint hearing can be held within the time periods set forth in this Title. In the alternative, the applicant may agree to a particular schedule if that additional time is needed in order to complete the hearings.

C. Prerequisites to joint public hearing. A joint public hearing may be held with another local, state, regional, federal or other agency and the City, as long as:

1. The other agency is not expressly prohibited by statute from doing so;

2. Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance, or rule; and

3. The agency has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the City of Camas hearing.

4. The hearing is held within the Camas City limits.

18.55.320 Type IV - Legislative hearing process.

A. Purpose. Legislative actions involve the adoption or amendment of the City's Municipal Code, comprehensive plan, map inventories and other policy documents that affect the entire City or large portions of it. Legislative actions that affect land use must begin with a public hearing before the Planning Commission.

B. Notice of Legislative Hearings.

Notice of the date, time, place and subject of an initial legislative hearing before the Planning Commission shall be published in a newspaper of general circulation within the City at least six (6) days prior to the hearing.

C. Planning Commission Review:

1. Hearing required. The Planning Commission shall hold a public hearing before recommending action on a legislative proposal. Recommendations by the Planning Commission shall be by majority vote of the entire Planning Commission.

2. Director's report. Once the Planning Commission's hearing has been scheduled and notice provided under this section, the Director shall prepare and make available a staff report on the legislative proposal at least 5 days prior to the hearing.

3. Planning Commission recommendation. At the conclusion of the initial hearing or a continued, the Planning Commission shall forward a recommendation on the proposal to the City Council.

D. City Council review:

Upon a recommendation from the Planning Commission, the City Council may hold a_public hearing on the proposal or consider the proposal at a regular meeting of the Council. The City Council may adopt, modify or reject the proposal, or it may remand the matter to the Planning

Commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the City's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the City Council decision shall be enacted as an ordinance or resolution.

18.55.330 Shoreline Master Program Permits.

The process and procedures regarding Shoreline Master Program Permits are found in Chapter 18.88. Where a permit under Chapter 18.88 is submitted under concurrent review, the final decision by the City Council shall occur at the same time as any other required permit or decision.

18.55.340 Development agreements

A. Development agreements -- Authorized.

The City may enter into a development agreement with a person having ownership or control of real property within its jurisdiction. The City may enter into a development agreement for real property outside its boundaries as part of a proposed annexation or a service agreement. A development agreement must set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement. A development agreement shall be consistent with applicable development regulations adopted by the City.

B. Development agreements -- Effect.

Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period specified in the agreement, and may not be subject to an amendment to a zoning ordinance or development standard or regulation or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement. A permit or approval issued by the county or city after the execution of the development agreement must be consistent with the development agreement.

C. Development agreements -- Recording -- Parties and successors bound.

A development agreement shall be recorded with the real property records of the Clark County. During the term of the development agreement, the agreement is binding on the parties and their successors, including the City if the City assumes jurisdiction through incorporation or annexation of the area covering the property covered by the development agreement.

D. Development agreements -- Public hearing.

Notwithstanding other procedural requirements of this title, the city shall only approve a development agreement by ordinance or resolution after a public hearing by the City Council. Notice of the public hearing shall be made by publishing in the local paper, a minimum 6 days pre-hearing, the time, date and location of the hearing, and a general description of the location and proposal.

If the development agreement relates to a project permit application, the provisions of chapter 36.70C RCW shall apply to the appeal of the decision on the development agreement.

18.55.345 Final Plat approval.
Final Plat approval is subject to review and approval by the City Council consistent with Title 17 and RCW 58.17.

Article VIII Code Conflicts

18.55.350 Applicability in the event of conflicts.
The provisions of Chapter supercede all conflicting provisions in the City of Camas Municipal Code.

18.55.360 Severability
If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, clause or phrase of this ordinance.

Article VIII Enforcement

18.55.400 Enforcing authority.

A. The Public Works Director, Planning Manager, Engineering Manager, Fire Marshal, and Building Official shall be responsible for enforcing Titles 15 through 18, and may adopt administrative rules to meet that responsibility. Enforcement responsibility may be delegated to an appropriate designee, for example, a code enforcement officer.

B. The enforcement provisions of this Chapter shall be applicable to any violation of the provisions of Title 16 through 18 of the Camas Municipal Code, and to any failure to comply with the terms and conditions of any permits or approvals issued pursuant to the provisions of those titles.

18.55.410 General penalty.
Compliance with the requirements of Titles 15 through 18, Camas Municipal Code, shall be mandatory. The general penalties and remedies established in Chapter 1.24, CMC, for such violations shall apply to any violation of those titles.

The enforcement actions authorized under this chapter shall be supplemental to those general penalties and remedies.

18.55.420 Application.

Actions under this chapter may be taken in any order deemed necessary or desirable by the Director to achieve the purpose of Titles 15 through 18. Proof of a violation of a development permit or approval shall constitute prima facie evidence that the violation is that of the applicant and/or owner of the property upon which the violation exists. An enforcement action under this chapter shall not relieve or prevent enforcement against any other responsible person.

18.55.430 Civil regulatory order.

A. Authority. A civil regulatory order may be issued and served upon a person if any activity by or at the direction of that person is, has been, or may be taken in violation of the Development Code.

B. Notice. A civil regulatory order shall be deemed served and shall be effective when posted at the location of the violation and/or delivered to any suitable person at the location and/or delivered by mail or otherwise to the owner or other person having responsibility for the location.

C. Content. A civil regulatory order shall set forth:
   1. The name and address of the person to whom it is directed.
   2. The location and specific description of the violation.
   3. A notice that the order is effective immediately upon posting at the site and/or receipt by the person to whom it is directed.
   4. An order that the violation immediately cease, or that the potential violation be avoided.
   5. An order that the person stop work until the violation is corrected or remedied.
   6. A specific description of the actions required to correct, remedy, or avoid the violation, including a time limit to complete such actions.
   7. A notice that failure to comply with the regulatory order may result in further enforcement actions, including civil fines and criminal penalties.

D. Remedial Action. The Director may require any action reasonably calculated to correct or avoid the violation, including but not limited to replacement, repair, supplementation, revegetation, or restoration.

E. Appeal. A civil regulatory order may be appealed in accordance with the Camas Municipal Code.

18.55.440 Civil fines.

A. Authority. A person who violates any provision of the Development Code, or who fails to obtain any necessary permit, or who fails to comply with a civil regulatory order shall be subject to a civil fine.

B. Amount. The civil fine assessed shall not exceed $1,000.00 for each violation. Each separate day, event, action or occurrence shall constitute a separate violation.

C. Notice. A civil fine shall be imposed by a written notice, and shall be effective when served or posted as set forth in Section 18.55.330(B) "Application." The notice shall describe the date, nature, location, and act(s) comprising the violation, the amount of the fine, and the authority under which the fine has been issued.

D. Collection. Civil fines shall be immediately due and payable upon issuance and receipt of the notice. The Director may issue a regulatory order stopping work until such fine is paid. If remission or appeal of the fine is sought, the fine shall be due and payable upon issuance of a final decision. If a fine remains unpaid 30 days after it becomes due and payable, the Director may take actions necessary to recover the fine. Civil fines shall be paid into the City's general fund.

E. Application for Remission. Any person incurring a civil fine may, within ten days of receipt of the notice, apply in writing to the Director for remission of the fine. The Director shall issue a decision on the application within 10 days. A fine may be remitted only upon a demonstration of extraordinary circumstances.

F. Appeal. A civil fine may be appealed to the City Council as set forth in the applicable enforcement provisions.

18.55.450 Review of approved permits.

A. Review: Any approval or permit issued under the authority of the Development Code may be reviewed for compliance with the requirements of the Development Code, or to determine if the action is creating a nuisance or hazard, has been abandoned, or the approval or permit was obtained by fraud or deception.

B. Initiation of Review: The review of an approval or permit may be initiated by the Director, City Administrator, City Council or by petition to the Director by three property owners or three residents of separate dwelling units in the City, stating their belief as to the noncompliance, nuisance or hazard of the permitted activity.

C. Director's Investigation: Upon receipt of information indicating the need for, or upon receiving a request for review of permit or approval, the Director shall investigate the matter and take one or more of the following actions:

1. Notify the property owner or permit holder of the investigation; and/or
2. Issue a civil regulatory order and/or civil fine and/or recommend revocation or modification of the permit or approval; and/or
3. Refer the matter to the City Attorney; and/or
4. Refer the matter to the City Council with a recommendation for action.

18.55.460 Revocation of permits or approvals.

A. City Council Review. Upon receiving a Director's recommendation for revocation of a permit or approval, the City Council shall review the matter at a public hearing. Upon a finding that the activity does not comply with the conditions of approval or the provisions of the Development Code, or creates a nuisance or hazard, the City Council may delete, modify or impose such conditions on the permit or approval it deems sufficient to remedy the deficiencies. If the Council finds no reasonable conditions which would remedy the deficiencies, the permit or approval shall be revoked and the activity allowed by the permit or approval shall cease.

B. Re-application. If a permit or approval is revoked for fraud or deception, no similar application shall be accepted for a period of one year from the date of final action and appeal, if any. If a permit or approval is revoked for any other reason, another application may be submitted subject to all of the requirements of the Development Code.