

ORDINANCE NO. 2481

AN ORDINANCE amending Title 18 of the Camas Municipal Code by adopting minor clarification amendments and adding new sections to the Zoning Code.

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

Section I

Sections 18.03.040, 18.07.040 - Table II, 18.18.020, 18.18.030, 18.18.040, 18.55.030 - Table I, and 18.55.270 of the Camas Municipal Code are amended as set forth in Exhibit "A", attached hereto and by this reference incorporated herein.

Section II

A new Section 18.18.070 and 18.55.230 are hereby added to the Camas Municipal Code, as set forth in Exhibit "A", attached hereto and by this reference incorporated herein.

Section III

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 2nd day of April, 2007.

.SIGNED:
Mayor

ATTEST:
Clerk

APPROVED as to form:

City Attorney

18.03.040 Definitions Strike “Substantially complete subdivision”

18.07.040 Table 2 – Residential and multifamily land uses

Temporary uses	R	MF
Sales office for a development in a dwelling ^{1,4}	€ T	€ T
Sales office for a development in a trailer ^{3,4}	T	T

1. See Chapter 18.19 “Design Review” for additional regulations
3. Site Plan Review required per CMC 18.18.020(A)(1).
4. Notwithstanding the time limitations of a Temporary Use, a sales office proposed and approved through a Type III application may be approved with a longer time frame than 180 days.

Chapter 18.18 SITE PLAN REVIEW

- 18.18.010 Intent.
- 18.18.020 Applicability.
- 18.18.030 Site plans and review procedures.
- 18.18.040 Submittal and contents of a complete application.
- 18.18.050 Application open for public inspection.
- 18.18.060 Criteria for approval.
- 18.18.070 Improvements for residential development
- 18.18.080 Duration of approval.
- 18.18.090 Amendments to a site plan.

18.18.020 Applicability.

A. Site plan review and approval shall be required for the following development activities prior to issuance of a building permit:

1. All new nonresidential uses for the location of any building(s);
2. Any multifamily development in which more than two dwelling units would be contained;
3. The expansion of any building or development as defined in CMC Section 18.18.020(A) exceeding twenty percent of the existing floor or site area, or any one thousand square foot addition or increase in impervious coverage thereto, whichever is lesser.

B. Exemptions. The following developments and land use categories shall be exempt from site plan review:

1. Planned unit developments, land divisions, binding site plans and boundary line adjustments pursuant to CMC Titles 17 and 18;
2. Light industrial/business park development applications pursuant to CMC Chapters 18.20 and 18.21;
3. Normal or emergency repair or maintenance of public or private buildings, structures, landscaping or utilities;
4. Interior remodeling and tenant improvements to buildings previously reviewed and approved; and
5. Unless otherwise required, proposals that are subject to Type I procedures under CMC Chapter 18.55.

18.18.030 Site plans and review procedures.

A. Any use that is subject to the requirements for a site plan review shall be processed in accordance with the procedures established under CMC Chapter 18.55 for Type II project permit applications.

B. Site plan review and approval shall be required prior to issuance of grading or other building permits .

18.18.040 Submittal and contents of a complete application.

In addition to the submittal requirements under CMC Chapter 18.55, each application for site plan review shall contain the following information. Items may be waived if, in the judgment of the community development department, the items are not applicable to the particular proposal.

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- A. A written description addressing the scope of the project, the nature and size in gross floor area of each use, and the total amount of square feet to be covered by impervious surfaces;
- B. A vicinity map showing site boundaries and existing roads and accesses within and bounding the site;
- C. A topographic map based upon a site survey delineating contours, existing and proposed, at no less than five-foot intervals and which locates existing streams, marshes and other natural features;
- D. Site plans drawn to a scale no smaller than one inch equals fifty feet showing location and size of uses, buffer areas, proposed areas of disturbance or construction outside of the building footprint, yards, open spaces and landscaped areas and any existing structures, easements and utilities;
- E. A circulation plan drawn to a scale acceptable to the public works director illustrating all access points for the site, the size and location of all driveways, streets and roads with proposed width and outside turning radius, the location, size and design of parking and loading areas, and existing and proposed pedestrian circulation system. If a project would generate more than one hundred average daily trips either based on the latest edition of the International Transportation Engineer's (ITE) Trip Generation Manual or evidence substantiated by a professional engineer licensed in the state of Washington with expertise in traffic engineering, a traffic impact study shall be submitted;
- F. A preliminary drainage and stormwater runoff plan;
- G. A utility plan;
- H. A plot plan of all proposed landscaping including the treatment and materials used for open spaces, and the types of plants and screening to be used;
- I. Typical building elevation and architectural style; and
- J. An engineer estimate of costs for site improvements, both public and private.

18.18.050 Application open for public inspection.

From the time of the filing of the application until the time of final action by the city, the application, together with all plans and data submitted, shall be available for public inspection at the planning division. (Ord. 2443 § 3 (Exh. A (part)), 2006)

18.18.060 Criteria for approval.

The city shall consider approval of the site plans with specific attention to the following:

- A. Compatibility with the city's comprehensive plan;
- B. Compliance with all applicable design and development standards contained in this title and other applicable regulations;
- C. Availability and accessibility of adequate public services such as roads, sanitary and storm sewer, and water to serve the site at the time development is to occur, unless otherwise provided for by the applicable regulations;
- D. Adequate provisions are made for other public and private services and utilities, parks and trails (e.g. provide copies of private covenant documents);
- E. Adequate provisions are made for maintenance of public utilities; and
- F. All relevant statutory codes, regulations, ordinances and compliance with the same. The review and decision of the city shall be in accordance with the provisions of CMC Chapter 18.55. (Ord. 2443 § 3 (Exh. A (part)), 2006)

18.18.070 Improvements for Residential Development.

- A. Public. Prior to the issuance of a building permit for residential construction, all public improvements required to adequately service that portion of the plat for which the building permit will be issued shall be installed or the developer shall provide financial surety acceptable to the city pursuant to CMC Chapter 17.21.050.
- B. Private. Prior to issuance of final occupancy permits all public and private improvements shall be completed in accordance with CMC Chapter 17.21.070.

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18.18.080 Duration of approval.

Construction on the project must commence within twenty-four months from the date of final action by the city; otherwise, the approval of the project becomes null and void. (Ord. 2443 § 3 (Exh. A (part)), 2006)

18.18.090 Amendments to a site plan.

A. Minor site plan adjustments may be made and approved when a building permit is issued. Any such alteration must be approved by both the planning manager and the public works director. Minor adjustments are those which may affect the precise dimensions or siting of building (i.e., lot coverage, height, setbacks) but which do not affect the basic character or arrangement and number of buildings approved in the plan, nor the density of the development or the amount and quality of open space and landscaping. Such dimensional adjustments shall not vary more than ten percent from the original, but shall not exceed the standards of the applicable district.

B. Major amendments are Type II permit applications and are processed in accordance with CMC Chapter 18.55. Major amendments are those that substantially change the character, basic design, density, open space or other requirements and conditions of the site plan. When a change constitutes a major amendment, no building or other permit shall be issued without prior review and approval by the city. (Ord. 2443 § 3 (Exh. A (part)), 2006)

Chapter 18.55 ADMINISTRATION AND PROCEDURES

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 Preapplication conference meeting--Type II, Type III.

Article III. Application Requirements

- 18.55.100 Application requirements for Type II or Type III applications.
- 18.55.110 Application—Required information.
- 18.55.130 Letter of completeness Type II, Type III or SMP.

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- 18.55.150 Notice of application--Type III or Type IV.
- 18.55.165 SEPA threshold determinations and consolidated review.
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- 18.55.200 Appeals--Generally.
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- 18.55.230 Notice of Decision
- 18.55.235 Reconsideration by the hearings examiner.
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- 18.55.270 Plat amendments and Plat alterations
- 18.55.280 Modification of conditions.
- 18.55.290 Minor amendments or modifications.

Article VI. Miscellaneous Processes

- 18.55.300 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.

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				
Binding Site Plans		X					
Boundary Lot Line Adjustment	X						
Building Permits	X						
Certificate of Occupancy	X						
Conditional Use			X(4)				
Design Review	X	X					
Final Plats (2)	X						
Home Occupations	X (type A)	X (type B)					
LI/BP		X(1)	X(4)				
Minor Modifications	X						
Plan/Zone Change							X
Planned Development Final Master Plan (3)	X						
Planned Development Preliminary Master Plan			X(4)				

Preliminary Subdivision Plat			X(5)				
Sensitive Areas/OS		X	X				
SEPA Threshold Determination					X		
Shorelines Permit				X			
Short Plat		X					
Sign Permits	X						
Site Plan Review		X					
Temporary Uses	X						
Variance (Minor)	X						
Variances (Major)						X	
Zone Change/Single Tract			X(5)				
Zone Code Text Changes							X

(1) For development proposals subsequently submitted as part of an approved master plan, subarea plan, or binding site plan.

(2) Section 17.21.060 for final plat approval.

(3) Section 18.23.130 for final master plan approval.

(4) Planning Commission hearing and City Council decision

(5) Hearing and final decision by hearings examiner

Permit Types.

A. Type I Decisions. The community development 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. 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 community development 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, 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 director's decision shall become final at the close of business on the fourteenth day after the date on the decision unless an appeal is filed. If an appeal is received, the hearings examiner will review the decision based on the record and render the city's final decision.

C. 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 three hundred feet of the subject tract, based upon Clark County assessment records. The notice of public hearing is issued at least fourteen days prehearing, and the staff report is generally made available five days prehearing. If a SEPA threshold determination is required, the notice of hearing shall be made at least fifteen days prehearing and indicate the threshold determination made, as well as the timeframe for filing an appeal.

Type III hearings are subject to either a hearing and city final decision by the hearings examiner, or

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subject to a hearing and recommendation from the planning commission to the city council who, in a closed record meeting, makes the final city decision.

D. Shoreline (SMP, Shore). The community development 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 or hearings examiner, as appropriate. The shoreline procedures are specified in Chapter 18.88 of this code.

E. SEPA (State Environmental Policy Act). When the city of Camas is the lead agency, the community development director shall be the responsible official. The procedures for SEPA are generally provided for under Title 16 of this code as well as Sections 18.55.110 and 18.55.165 of this chapter.

F. Board of adjustment decisions are the final decision of the city except as provided in Section 18.45.020 of this title.

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. (Ord. 2451 §§ 1, 2, 2006; Ord. 2443 § 3 (Exh. A (part)), 2006)

Chapter 18.55 Administration and Procedures

Article V. Decisions and Appeals

18.55.200	Appeals – Generally
18.55.210	Appeals – Type II, SMP
18.55.220	Conditions of Approval
18.55.230	Notice of Decision
18.55.235	Reconsideration by the hearings examiner
18.55.240	Judicial appeals
18.55.250	Reapplication limited
18.55.260	Expiration of a Type II, or Type II decisions
18.55.270	Plat amendments and plat alterations
18.55.280	Modification of conditions
18.55.290	Minor amendments or modifications

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 city clerk within fourteen calendar days of the date on the decision. Type II appeals are subject to the requirements of CMC Section 18.55.210.

C. Type III--Type III applications are processed in one of two distinct manners.

1. Those applications subject to 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 seven days prior to the city council meeting on the matter.

2. A decision issued by the hearings examiner is a final decision of the city and therefore not appealable to any other decision maker within the city.

D. BOA decisions are not appealable to any other decision maker within the city, except as provided in Section 18.45.020 of this title. The actions of the board of adjustment in granting or denying an

application, shall be final and conclusive, unless within twenty-one 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. (Ord. 2443 § 3 (Exh. A (part)), 2006)

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 fourteenth 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. (Ord. 2443 § 3 (Exh. A (part)), 2006)

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. (Ord. 2443 § 3 (Exh. A (part)), 2006)

18.55.230 Notice of decision

A. Type II Process. The city shall mail a notice of all decisions rendered under a Type II process. Except as otherwise provided in this code, notice of Type II decisions shall be mailed to all property owners within three hundred (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; and

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 decision or SMP decisions not requiring an open public hearing, a statement that the decision(s) are final at the close of business on the fourteenth 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. (Ord. 2389 § 1 (part), 2004)

18.55.235 Reconsideration by the hearings examiner.

Any party of record believing that a decision of the hearings examiner is based on erroneous procedures, errors of law or fact, or the discovery of new evidence which could not be reasonably available at the public hearing, may make a written request to the examiner, filed with the city clerk, to be accompanied by an appeal fee, for reconsideration by the examiner.

A. Time Frame. The request for reconsideration shall be filed within fourteen calendar days of the date the decision was rendered.

B. Content. The request for reconsideration shall contain the following:

1. The case number designated by the city and the name of the applicant;
2. The name and signature of each petitioner;
3. The specific aspect(s) of the decision being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied on to prove the error. If the petitioner wants to introduce new evidence in support of the appeal, the written appeal must explain why such evidence should be considered.

C. The hearings examiner may after review of the materials submitted in conjunction with the reconsideration request, and review of the open record hearing transcript, take further action as he or she deems proper; including, but not limited to, denying the request, modifying the decision or affirming the decision. (Ord. 2443 § 3 (Exh. A (part)), 2006)

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. (Ord. 2443 § 3 (Exh. A (part)), 2006)

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. (Ord. 2443 § 3 (Exh. A (part)), 2006)

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

A. Type II or Type III approvals automatically become void, if no timeframe 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 and short plats, 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). (Ord. 2443 § 3 (Exh. A (part)), 2006)

18.55.270 Plat amendments and plat alterations.

A. Plat amendments are amendments to an approved preliminary plat and are classified as either minor amendments or major amendments. Minor amendments are defined pursuant to CMC 18.55.290. Any increase or substantial decrease in lots, reduction in open space, or other substantial modification that alters the character of the development is a major modification. Minor modifications are a Type I decision, and major modifications are a Type III decision.

B. An application for a plat amendment may be made at any time until a preliminary plat or approval has expired under CMC Section 17.09.050 or Section 17.11.100.

C. An amended plat proposal shall be submitted on an application satisfying all the criteria of Section 17.09.030(B) or Section 17.11.030(B) of this chapter. The community development director shall have the discretion to determine whether a new SEPA checklist application need be submitted and whether stormwater, transportation, geotechnical and other studies need to be revised or updated. A revised plat shall be submitted showing the location of lots, tracts, blocks, streets of the previous plat in dotted lines, and the proposed revisions in solid lines.

D. An approval for a plat amendment shall expire at the same time as the original preliminary plat approval.

E. Plat alterations are modifications to a final plat. Plat alterations are a Type III decision and shall be processed as provided in RCW 58.17.215. (Ord. 2443 § 2 (Exh. A (part)), 2006)

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. (Ord. 2443 § 3 (Exh. A (part)), 2006)

18.55.290 Minor amendments or modifications.

Minor amendments are modifications to approved developments or permits. Minor amendments are those modifications 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, (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. (Ord. 2443 § 3 (Exh. A (part)), 2006)