



**CITY COUNCIL MEETING AGENDA**  
**Monday, January 6, 2014, at 7 p.m.**  
**Camas City Hall, 616 NE 4<sup>th</sup> Avenue**

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NOTE: There are two public comment periods included on the agenda. Anyone wishing to address the City Council may come forward when invited; please state your name and address. Public comments are typically limited to three minutes, and written comments may be submitted to the City Clerk. Special instructions for public comments will be provided at the meeting if a public hearing or quasi-judicial matter is scheduled on the agenda.

**I. CALL TO ORDER**

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

**IV. PUBLIC COMMENTS**

**V. CONSENT AGENDA**

- A. Approve the minutes of the December 16, 2013, Camas City Council Meeting and the Work Session minutes of December 16, 2013.
- B. Approve claim checks as approved by the Finance Committee.
- C. Authorize the write-off of \$595.42 for utility account number 001159-000. The collection agency has cancelled the account as the owner is deceased with no estate. (submitted by Cathy Huber Nickerson)
- D. Authorize the Engineering Manager to sign Supplemental Agreement No. 2 with Harper Houf Peterson Righellis, Inc. for Project S-566 NW Friberg/Strunk Street and NE Goodwin Road. This contract amendment accounts for additional necessary tasks that were not included in the first amended scope of services. These tasks include a cultural resources report for a realigned storm water outfall; design changes due to necessary alterations to the storm water system, wetland mitigation site, utilities, and roadway geometry; additional right-of-way acquisition services; and hazardous materials assessment. The cost of this supplemental agreement is not to exceed \$79,292. The new total contract amount is not to exceed \$835,262. (submitted by James Carothers)
- E. Authorize Change Order No. 5 for Project S-545 NW 38<sup>th</sup> Avenue/SE 20<sup>th</sup> Street Extension Street Improvements, Phase 1, to Tapani, Inc. as a **credit** to the City in the amount of \$2,025.11 for Item A. Contract Change Order No. 12 for Item A is a 2% credit to the City for a change in material from Gravel Borrow to Select Borrow. The credit was applied towards the cost of the material incorporated into the project

(28,118.16 tons at \$3.50/ton). Items B and C are the list of bid items that increased or decreased from the original contract amount. These amounts were incorporated into the pay estimates as they occurred. These two items are for project documentation purposes only as required under the Washington State Department of Transportation Standard Specifications Section 1-04.6. The Contractor and the City agreed to the original unit cost on all bid items. The project is budgeted and fully funded. This change order was introduced to Council at the December 16, 2013, Council Workshop and received verbal approval. (submitted by Anita Ashton)

- F. Authorize Release of Retainage for Project SS-579A 2013 NW Leadbetter and Grass Valley Park Wetland Maintenance to Sound Native Plants, Inc. in the amount of \$5,603.90. All required documentation has been received. Release approval from Labor and Industries, the Department of Revenue and Employment Security are not required for contract amounts less than \$35,000. The contract amount is \$12,149.24. Per the Revised Code of Washington (RCW) 39.08.010, in lieu of a performance bond on contracts of \$25,000.00 or less, a City is allowed, at the option of the Contractor, to retain fifty (50%) percent of the contract amount. This was a budgeted project. (submitted by Anita Ashton)
- G. Approve Pay Estimate No. 6 for Project P-862 Lacamas Lake Lodge Building Improvements to JWC LLC in the amount of \$254,210.54 for the work period ending December 20, 2013. (submitted by Jim Hodges)
- H. Approve Pay Estimate No. 2 for Project P-862B Heritage Park Boat Launch and Parking Improvements to Tapani, Inc. in the amount of \$179,952.19 for the work period ending December 20, 2013. (submitted by Jim Hodges)

NOTE: Any item on the Consent Agenda may be removed from the Consent Agenda for general discussion or action.

**VI. NON-AGENDA ITEMS**

- A. Staff
- B. Council

**VII. MAYOR**

- A. Announcements
- B. National Mentoring Month Proclamation

**VIII. COMMUNITY DEVELOPMENT**

- A. Public Hearing for Minor Amendments to Titles 16, 17 and 18 of the Camas Municipal Code (CMC)
  - 1. Details: As part of an annual code improvement project, the proposed minor amendments will be presented as a package of corrections to typos, citations or punctuation, and to clarify words or definitions that were challenged over the past review cycle. The Planning Commission held a public hearing on November 19, 2013, on this item, and forwarded a recommendation.

Department/Presenter: Sarah Fox, Senior Planner and Phil Bourquin, Community Development Director

Recommended Action: Conduct a public hearing; motion to approve the amendments and direct the City Attorney to prepare an ordinance for adoption

**IX. PUBLIC COMMENTS**

**X. EXECUTIVE SESSION**

A. Potential Litigation

**XI. ADJOURNMENT**

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 a person with special needs has the opportunity to participate. For more information, please call 360.834.6864.



**CITY COUNCIL WORKSHOP MEETING MINUTES - DRAFT**  
**Monday, December 16, 2013 at 4:30 p.m.**  
**Camas City Hall, 616 NE 4<sup>th</sup> Avenue**

**I. CALL TO ORDER**

Mayor Scott Higgins called the meeting to order at 4:30 p.m.

**II. ROLL CALL**

Present: Greg Anderson, Don Chaney, Linda Dietzman, Tim Hazen, Steve Hogan, Melissa Smith, and Shannon Turk

Staff: Jerry Acheson, Kristin Berquist, Phil Bourquin, James Carothers, Sherry Coulter, Jennifer Gorsuch, Cathy Huber Nickerson, Mitch Lackey, and Nick Swinhart

Press: Heather Acheson, Camas Washougal Post Record

**III. PUBLIC COMMENTS**

Ann Degenshein, 2725 NW 24th Avenue, Camas, commented about adding code to Camas Municipal Code (CMC) to protect neighboring properties during construction activities.

**IV. SPECIAL PRESENTATIONS**

**A. Report regarding the 2013 Legislative Year and the Proposed 2014 City of Camas Legislative Shortlist**

Details: A brief report was given to Council by Lloyd Halverson, former City Administrator, who lobbied for the City of Camas in the 2013 legislative year. There was an opportunity for Council to review and discuss the proposed 2014 Legislative Agenda for the City of Camas. City Council discussed the 2014 Legislative Priorities during the November 18, 2013, Council Workshop and the December 2, 2013, Council Meeting. The proposed 2014 City of Camas Legislative Shortlist was attached for Council's review and further discussion.

Department/Presenter: Lloyd Halverson and Mayor Scott Higgins

[2014 Legislative Shortlist Draft](#) 

[2013 Legislative Report](#) 

**B. Parks Foundation of Clark County Report (attachment added 12-16-13)**

Details: The Parks Foundation staff person, Cheri Martin, gave a report on the Foundation's work providing funding in support of parks, trails and recreation programs in 2013.

Department/Presenter: Cheri Martin, Clark County Parks Foundation

[Parks Foundation of Clark County Presentation](#) 

**V. COMMUNITY DEVELOPMENT DEPARTMENT**

**A. Public Hearing for Minor Amendments to Titles 16, 17 and 18 of the Camas Municipal Code**

Details: As part of an annual code improvement project, the proposed minor amendments were presented as a package of corrections to typos, citations or punctuation, and to clarify words or definitions that were challenged over the past review cycle. Planning Commission held a public hearing on November 19, 2013, on this item and forwarded a recommendation.

Department/Presenter: Phil Bourquin, Community Development Director

The public hearing is set for January 6, 2013.

[Staff Report](#) 

[Attachment A Proposed Amendments \(large file-it may take a few minutes to load\)](#) 

**B. Camas Washougal Economic Development Association (CWEDA) Interlocal Agreement**

Details: An Interlocal Agreement (ILA) between the Port of Camas-Washougal and the cities of Camas and Washougal was created for the purpose of continuing the joint Camas Washougal Economic Development Association (CWEDA). On June 6, 2011, the cities of Camas and Washougal and the Port of Camas-Washougal entered into an ILA to create CWEDA in order to provide economic development services to promote long term economic growth by expanding existing business to East Clark County. This initial agreement covered the start-up of the

CWEDA prior to its formal creation. Upon the formal creation of CWEDA, the agreement was updated on March 5, 2012. The current agreement expires at the end of 2013. The proposed ILA renews the current agreement. The proposed term of the agreement is in perpetuity, and maintains the annual option to terminate with notice by September 1st of each year, with termination effective the following year. The mutual financial commitment remains at \$200,000 with Camas responsible for 25% or \$50,000.

Department/Presenter: Phil Bourquin, Community Development Director

This item is on the December 16, 2013, Consent Agenda.

[CWEDA Interlocal Agreement](#) 

**C. [Project S-566 Friberg/Strunk Consultant Contract Amendment No. 2](#)**

Details: This contract amendment accounts for additional necessary tasks that were not included in the first amended scope of services. These tasks include a cultural resources report for a realigned storm water outfall; design changes due to necessary alterations to the storm water system, a wetland mitigation site, utilities, roadway geometry, additional right-of-way acquisition services, and a hazardous materials assessment. The cost of these additional tasks is approximately \$80,000 and is within the budgeted project amount. Attached is a draft of the proposed scope amendment and an estimate of costs. The final scope and contract amendment will be submitted in its entirety in the January 6th Council Packet.

Department/Presenter: James Carothers, Engineering Manager

This item will be on the January 6, 2013 Consent Agenda to approve the scope and contract.

[PSCAmend2scope](#) 

[PSCAmend2est](#) 

**D. [Change Order No. 5 for Project S-545 NW 38th Ave./SE 20th St. Extension Street Improvements, Phase I to Tapani, Inc. for a Credit Amount of \\$2,025.11.](#)**

Details: Change Order No. 5 is a credit in the amount of \$2,025.11 under Item A. Item A of the change order is at the request of the contractor for Bid Item A14 Gravel Borrow. The contractor requests that Gravel Borrow be revised to 'Select Borrow'. Acceptance of the revision results in a 2%

technical credit applied to the material delivered and incorporated into the project. The select borrow material meets the original function, as intended. The 2% credit is applied towards the cost of material incorporated into the project: (1.) 28,118.16 tons at \$3.50/ton and (2.) Change Order No. 1, Item D, allowed for the conversion from cubic yards to tonnage for measurement only. The conversion rate is 1.47 tons/cubic yard. Item B & C of the change order document are the bid items that decreased or increased per Washington State Department of Transportation (WSDOT) Standard Specification 1-04.6. This is for project documentation only. The amounts were incorporated into the pay estimates as they occurred. Original unit costs did not change. The project is budgeted and fully funded. Change Order No. 5 will be included on the Consent Agenda for the January 6, 2014, Council Meeting.

Department/Presenter: James Carothers, Engineering Manager

[S-545 Change Order 5](#) 

## **VI. FINANCE DEPARTMENT**

### **A. 2013 Interfund Loan Discussion**

Details: This presentation reviewed the use of interfund loans by the City. This short-term borrowing strategy is used on a limited basis and provides flexibility in addressing short-term liquidity needs of the City. The documents and presentation were available at the City Council Workshop.

Department/Presenter: Cathy Huber Nickerson, Finance Director

This item will be on the December 16, 2013, Consent Agenda.

[Interfund Loan Presentation](#) 

## **VII. ADMINISTRATION**

### **A. Miscellaneous and Scheduling**

Details: Updates on miscellaneous or scheduling items.

Department/Presenter: Jennifer Gorsuch, Acting City Administrator

Gorsuch stated that there were no miscellaneous or scheduling items.

## **VIII. COUNCIL COMMENTS AND REPORTS**

Turk attended the Community Center Development Meeting and expressed appreciation for the work of Public Works Operations Supervisor Denis Ryan.

Hazen commented on the parade for the Camas High School Football Team and attended the tree lighting that took place in downtown Camas.

Hogan participated in the tree lighting and said that Brenda Schallberger, the Executive Director for the Downtown Camas Association (CDA) has resigned. Hogan also updated Council on the current actions of the Bonneville Power Administration (BPA). He asked Council members to consider partnering with Washougal in a collaborative effort to develop controls and regulations for growing and distributing marijuana within their areas.

Anderson attended the quarterly East County Ambulance Advisory Board Meeting.

Smith sent clarification to each Council member about the Regional Transportation Commission Meeting.

Dietzman updated Council on the Camas Library Board of Trustees, the Camas Lodging Tax Committee, the Mosquito Control Board and also asked about the auto charging station at the library. She also said the mural project will be unveiled on December 21st at 3:30 p.m. at Camas Fine Art (formerly Ballard and Call).

Chaney commented about the parade for the Camas High Football team. He asked and received some comments from Council's about whether to include a conversation about the Camas Cemetery in the 2014 Annual Planning Conference. Chaney said he was the Clark Regional Emergency Services Agency (CRESA) representative for the small cities in Clark County and reported on the partnership that is being formed with Thurston County to develop a reciprocity with the phone system in the event of a catastrophe. Chaney asked and Fire Chief Nick Swinhart commented on the Pulse Point app for cell phones.

Mayor referred to Chaney's comments and commented on possibilities in the coming year.

Mayor relayed the anticipated need for a City of Camas lobbying service contract, beginning in January of 2014 and continuing through the current legislative session. He asked that Council relay any questions or comments that they have pertaining to this to his email address.

## **IX. PUBLIC COMMENTS**

There were no comments from the public.



**X. ADJOURNMENT**

The meeting adjourned at 5:58 p.m.

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 a person with special needs has the opportunity to participate. For more information, please call 360.834.6864.*

**Quick Preview of Agenda and Supporting Documents - Posted 12-12-13 (large file - may take a few minutes to load)**

[Workshop Agenda with Supporting Documents](#) 

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Mayor

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City Clerk



**CITY COUNCIL REGULAR MEETING MINUTES - DRAFT**  
**Monday, December 16, 2013 at 7:00 p.m.**  
**Camas City Hall, 616 NE 4<sup>th</sup> Avenue**

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**I. CALL TO ORDER**

Mayor Scott Higgins called the meeting to order at 7 p.m.

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL**

Present: Greg Anderson, Don Chaney, Linda Dietzman, Tim Hazen, Steve Hogan, Melissa Smith, and Shannon Turk

Staff: Jerry Acheson, Kristin Berquist, Phil Bourquin, James Carothers, Sherry Coulter, Jennifer Gorsuch, Cathy Huber Nickerson, Mitch Lackey, Paul Lewis, David Schultz, and Nick Swinhart

Press: Heather Acheson, Camas-Washougal Post Record

**IV. PUBLIC COMMENTS**

Ross Hollister, 1700 NW 112<sup>th</sup> Street, Vancouver, WA commented about the actions of C-Tran.

**V. CONSENT AGENDA**

**A.** Approved the minutes of the December 2, 2013, Camas City Council Meeting and the December 2, 2013, Work Session Minutes.

[Council Minutes 12-2-13](#) 

[Workshop Minutes 12-2-13](#) 

- B.** Approved claim checks 119305 – 119490 in the amount of \$1,276,994.59 as approved by the Finance Committee.
- C.** Authorized the Mayor to sign the Foster Pepper, PLLC, Engagement Letter and Conflict Waiver for legal services. (submitted by Cathy Huber Nickerson)
- D.** Authorized the Mayor to sign the Regional Justice Information Network Intergovernmental Agreement and to forward it to the City of Portland. The City of Portland is coordinating a bi state police records management system that is currently under development. The database will be the primary resource used to write, collect and disseminate police reports and all associated data. The City of Camas currently receives similar services from Clark County. When this new Portland Police system is developed, Clark County will be moving to it, along with over 30 other law enforcement agencies. Camas Police Department has agreed to move to the new system when it comes online in 2015. Fees and costs for the first two years are being paid by Clark County to encourage the agencies participation. The City of Portland needs a commitment from participating agencies to move forward in their planning process. This agreement is a necessary step towards joining the new system and it provides Portland with an assurance of those agencies desiring to move forward. The City Attorney has reviewed this agreement in a draft form and did not have any issues with it. This item was taken to Council Workshop on December 2, 2013. (submitted by Mitch Lackey)

#### [RegJIN Master IGA](#)

- E.** Authorized the Mayor to sign Change Order No. 1 for Project WS-720A 2013 STEP Tank Pumping to AAA Septic Service, LLC, in the amount of \$2,423.82. This change order compensates the contractor for the required changes to the STEP disposal site and pumping conditions for the remaining 52 tanks included in this contract. In response to a request by the Department of Ecology, Camas staff has directed the contractor to dispose of all Septic Tank Effluent Pumping (STEP) System material at the Wastewater Treatment Plant in lieu of various sewer system manholes located throughout Camas. This has resulted in a longer haul and longer unloading duration. (submitted by James Carothers)

#### [WS-720A Change Order 1](#)

- F.** Authorized Pay Estimate No. 8 for Project WS-720A STEP Tank Pumping to AAA Septic Services, LLC, in the amount of \$11,324.89 for work completed through November 30, 2013. This project is budgeted and fully funded. (submitted by James Carothers)

WS-720A Pay Estimate No. 8 

- G. Authorized Pay Estimate No. 8 for Project WS-713 Wastewater Treatment Facilities Improvements, Phase 2B, to Contractors Northwest, Inc., in the amount of \$331,907.70 for work completed through December 6, 2013. (submitted by James Carothers)

WS-713 Pay Estimate No. 8 

- H. Authorized Pay Estimate No. 9 for Project S-545 NW 38th Ave./SE 20th St. Street Improvements, Phase 1 to Tapani, Inc., in the amount of \$78,298.75. This is for work completed between November 9, 2013, and December 10, 2013. (submitted by Anita Ashton)

S-545 Pay Estimate No. 9 

- I. Authorized the Retainage Release for Project P-874A Louis Bloch Park Restroom Improvements to Michael Green Construction, Inc., in the amount of \$6,884.30. All contract documentation has been received from the contractor and all required releases have been secured. This project was funded by a Community Development Block Grant (CDBG). (submitted by James Carothers)

P-874A Pay Est. 5 - Final 

- J. Authorized the write-off of the November 2013 Emergency Medical Services Billings in the amount of \$66,366.55. This is the monthly uncollectable balance of Medicare and Medicaid accounts that are not collectable after receiving payments from Medicare, Medicaid and secondary insurance. (submitted by Cathy Huber Nickerson)
- K. Authorized the Mayor to sign Change Order No. 3 for Project P-862 Lacamas Lake Lodge to JWC, LLC, in the amount of \$42,160.59. Change Order No. 3 provides compensates to the contractor, JWC, LLC, for a number of significant changes to the architectural building plans for the Lacamas Lake Lodge Project. These items are summarized as follows: (A) Install additional solid-core door and other fixtures required to provide security for the kitchen facilities, totaling \$2,401.55. (B) Relocate various plumbing fixtures, add plumbing fixtures, modify the commercial range specifications to include required equipment, furnish and install a fixed access and maintenance ladder structure, and install a coiled security door for the kitchen pass-through opening, totaling \$14,919.62. (C) Install additional disabled access walkway, furnish and install permanent erosion control blanket for parking lot swale, furnish and install additional electrical receptacles and related equipment to accommodate AV projector and

screen, and install fire alarm equipment as required to comply with Fire Code requirements, totaling \$10,692.32. (D) Modify lodge interior walls, glass, and related appurtenances to provide for functional interior work spaces for two employees, totaling \$10,880.04. All items subtotal to an amount of \$38,893.53 plus sales tax of \$3,267.06 for a total of \$42,160.59 (submitted by James Carothers)

#### [P-862 Change Order No. 3](#)

- L. Authorized the Mayor to sign the Developer Agreement between Lennar Northwest, Inc., (Developer) and the City of Camas for a Grand Ridge Pump Station Upgrade. The Breckenridge Subdivision was required to perform a basin analysis. Through that process, it has been determined the pump station upgrades will restore the design capacity for the station, as well as provide capacity for additional flows beyond the Breckenridge Subdivision. Based on mutual benefit, this agreement defines the shared responsibilities of the developer and the City. (submitted by Eric Levison and James Carothers)

#### [Grand Ridge Pump Station Developer's Agreement](#)

- M. Authorized the Mayor to sign the Camas Washougal Economic Development Association (CWEDA) Interlocal Agreement (ILA). This is an Interlocal Agreement between the Port of Camas-Washougal and the cities of Camas and Washougal to continue the joint Camas Washougal Economic Development Association. On June 6, 2011, the cities of Camas and Washougal and the Port of Camas-Washougal entered into this Interlocal Agreement to create CWEDA to provide economic development services to promote long-term economic growth by expanding existing business to East Clark County. This initial agreement covered the start-up of the CWEDA. The agreement was updated on March 5, 2012, and the current agreement expires at the end of 2013. The proposed ILA renews the current agreement. The proposed term of the agreement is in perpetuity and maintains the annual option to terminate with notice by September 1st of each year with termination effective the following year. The mutual financial commitment remains at \$200,000 with Camas responsible for 25% or \$50,000. (submitted by Phil Bourquin)

#### [CWEDA Interlocal Agreement](#)

- N. Authorized the Mayor to sign the Professional Services Agreement with Colliers International. The agreement is for appraisal services. (submitted by Jerry Acheson)

#### [Additional Information \(attachment added December 16, 2013\)](#)

- O. Authorized the Mayor to sign the Professional Services Contract for Knapp, O'Dell and MacPherson Legal Services. This is a professional services contract for legal services to be provided to the City of Camas for services commencing January of 2014. (submitted by Jennifer Gorsuch)

[Knapp, O'Dell and MacPherson PSC](#) 

- P. Approved the Official 2014 City of Camas Legislative Shortlist. This topic was previously discussed during the November 18th and December 16th Council Workshops and the December 2, 2013, Council Meeting. (submitted by Mayor Higgins)

[2014 Legislative Shortlist DRAFT](#) 

- Q. Authorized the Mayor to sign Amendment No. 2 for the K-20 Intergovernmental Agreement. The K-20 Network provides internet connectivity and support services. This amendment changes the billing cycle for the K-20 Network circuit charges, changes the termination terms, and amends Exhibit A with the new charges. The circuit co-pay is less than previous charges. (submitted by David Zavortink)

[Library Intergovernmental Agreement](#) 

- R. Authorized the Mayor to sign the Professional Service Agreement with Pacific Groundwater Group. This contract provides for the closeout of the Department of Ecology's (Ecology) well monitoring requirements for Well No. 14, and is a request to Ecology for minor modifications to the Jones/Boulder Creek water rights to assist the new water slow sand plant fall startup. The contract amount is not to exceed \$16,320. (submitted by Eric Levison)

[Pacific Groundwater Group Contract](#) 

**It was moved by Don Chaney, seconded by Melissa Smith to approve the Consent Agenda. The motion carried unanimously.**

*NOTE: Any item on the Consent Agenda may be removed from the Consent Agenda for general discussion or action.*

## VI. NON-AGENDA ITEMS

### A. Staff

There were no comments from staff.

**B. Council**

Chaney commented on the solidarity of City of Camas employees through a difficult year.

**VII. MAYOR**

**A. Announcements**

Mayor agreed with Chaney's comments about Camas staff.

Chaney and Mayor thanked Paul Lewis for the services he provided to the City.

**B. Camas City Council 2014 Committee Appointments**

2014 Committee Appointments 

**It was moved by Melissa Smith, seconded by Greg Anderson to appoint Councilmember Steve Hogan to serve as Mayor pro-tem for the year 2014. The motion carried with Steve Hogan abstaining from the vote.**

**It was moved by Don Chaney, seconded by Melissa Smith that 2014 Camas City Council Committee Appointments, as recommended by the Mayor, be adopted. The motion carried unanimously.**

**C. Appointments to Boards and Commissions**

2014 Boards and Commissions Appointments 

**It was moved by Melissa Smith, seconded by Shannon Turk to approve the Mayor's recommendations to the City's boards and commissions. The motion carried unanimously.**

**D. Council Confirmation Vote of Mayor's Appointment to the Position of City Administrator**

**It was moved by Shannon Turk, seconded by all the Council members simultaneously, to confirm the Mayor's appointment of Pete Capell as the Camas City Administrator beginning January 6, 2014. The motion carried unanimously.**

**E. Oath of Office for Councilmembers Hogan, Smith, and Turk**

Hogan Oath of Office (attachment added 12-16-13) 

Smith Oath of Office (attachment added 12-16-13) 

Turk Oath of Office (attachment added 12-16-13) 

Assistant City Attorney David Schultz administered the Oath of Office for three year terms of office beginning January 1, 2014, and ending December 31, 2017, for Shannon Turk in Position 2 of Ward 3, for Steve Hogan in Position 2 of Ward 2, and Melissa Smith in Position 2 of Ward 1.

## VIII. COMMUNITY DEVELOPMENT

### A. Public Hearing regarding Ordinance No. 2679 Establishing a Moratorium on the Establishment, Location, Operation, Maintenance or Continuation of Marijuana Retail Sales Facilities, Processing Facilities, Manufacturing Facilities and Growing Facilities

Details: City Council approved Ordinance No. 2679 on November 4, 2013, declared an emergency and pursuant to RCW 36.70A.390 and RCW 35.63.200 set a public hearing date of no later than December 16, 2013 on the adopted moratorium established by this ordinance.

Department/Presenter: City Attorney's office and Community Development Department staff will be available.

Ordinance 2679 

Mayor opened the public hearing at 7:25 p.m.

Mayor closed the public hearing at 7:25 p.m. as there was no one from the public who wished to speak.

**It was moved by Linda Dietzman, seconded by Steve Hogan to to reaffirm Camas Municipal Ordinance No. 2679. The motion carried unanimously.**

## IX. FINANCE

### A. Resolution No. 1282 Interfund Loan from the Growth Management Act (GMA) Fund to the NW 38th Avenue Construction Fund

Details: This resolution is to authorize the NW 38th Avenue Construction Fund to borrow funds from the GMA Fund and providing for a repayment of said loan by December 31, 2014, with interest on the declining balance of 1% per annum in the amount not to exceed \$1,000,000.

Department/Presenter: Cathy Huber Nickerson, Finance Director



Resolution No. 1282 

**It was moved by Shannon Turk, seconded by Melissa Smith that Resolution No. 1282 be read by title only. The motion carried unanimously.**

**It was moved by Shannon Turk, seconded by Don Chaney to adopt Resolution No. 1282. The motion carried unanimously.**

**B. Resolution No. 1283 Interfund Loan from the Growth Management Act (GMA) Fund to the Friberg Street Construction Fund**

Details: This resolution is to authorize the Friberg Street Construction Fund to borrow funds from the GMA Fund and providing for a repayment of said loan by December 31, 2014, with interest on the declining balance of 1% per annum in the amount not to exceed \$500,000.

Department/Presenter: Cathy Huber Nickerson, Finance Director

Resolution No. 1283 

**It was moved by Shannon Turk, seconded by Steve Hogan that Resolution No. 1283 be read by title only. The motion carried unanimously.**

**It was moved by Shannon Turk, seconded by Steve Hogan to adopt Resolution No. 1283. The motion carried unanimously.**

**C. Resolution No. 1284 Interfund Loan from the General Fund to the Emergency Management Services (EMS) Fund**

Details: This resolution is to authorize the EMS Fund to borrow funds from the General Fund and providing for a repayment of said loan by December 31, 2014, with interest on the declining balance of 1% per annum in the amount not to exceed \$1,000,000.

Department/Presenter: Cathy Huber Nickerson, Finance Director

Resolution No. 1284 

**It was moved by Shannon Turk, seconded by Steve Hogan that Resolution No. 1284 be read by title only. The motion carried unanimously.**

**It was moved by Greg Anderson, seconded by Tim Hazen that Resolution No. 1284 be adopted. The motion carried unanimously.**

**X. FIRE**

**A. Interlocal Agreement (ILA) for Continuation of Joint Emergency Services with the City of Washougal**

Details: Since July 2011, the cities of Washougal and Camas have been operating a joint Fire and Emergency Management Systems (EMS) Department pursuant to the terms of an Interlocal Agreement for trial consolidation. This agreement has supplemented the "three party" agreement between Washougal, Camas, and East County Fire and Rescue for ambulance services. The current ILA between Washougal and Camas for the trial consolidation of fire departments expires at the end of 2013. The "three party" agreement expires at the end of 2014. During the trial consolidation, an ad hoc committee comprised of three council members from each community has been meeting to review alternatives for the continued partnership between Washougal and Camas for these services. Initial consideration was given to the possibility of forming a Regional Fire Authority (RFA). The ad hoc group determined to recommend not pursuing a RFA, instead, opting for a model for a longer term consolidation through a contract for services. The attached ILA represents the culmination of the ad hoc committee's work and recommendation to the full councils, and reflects input received at the joint session held on December 2, 2013. The proposed ILA provides for a ten year contract for services and details provisions relating to all aspects necessary for the agreement. In support of the ad hoc group, the proposed ILA was prepared and reviewed by City staff, including the Camas City Administrator, Camas Administrative Consultant Paul Lewis, both Finance Directors, the Fire Chief and Command Staff, and Consultant Don Bivens, former Vancouver Chief, was retained by Washougal to review and provide assistance with the proposed ILA.

Department/Presenter: Paul Lewis, Consultant and Nick Swinhart, Fire Chief

[Draft Interlocal](#) 

[Interlocal FINAL](#) 

[Interlocal Agreement Revision Summary](#) 

**It was moved by Greg Anderson, seconded by Linda Dietzman to authorize and direct the Mayor to sign the Interlocal Agreement with the City of Washougal. The motion carried unanimously.**

Mayor Higgins made closing comments about the integrity of Camas staff in backing the interlocal agreement with Washougal.

## **XI. HUMAN RESOURCES**

### **A. Office and Professional Employees International Union, AFL-CIO (Local 11), Bargaining Agreement for the Three-Year Period beginning January 1, 2014, and ending December 31, 2016**

Details: This has been previously discussed and guided by City Council and has been the subject of closed sessions on labor negotiations. The agreement is with Local 11 which represents employees of the Camas Public Library. Local 11 has ratified the labor agreement.

Department/Presenter: Jennifer Gorsuch, Acting City Administrator

[Local 11 Bargaining Agreement](#) 

**It was moved by Don Chaney, seconded by Greg Anderson to ratify the agreement with Local 11 and to authorize the Mayor and City Administrator to sign the Local 11 Contract. The motion carried unanimously.**

Mayor thanked John Goaring, Union Steward, and Maurine Colvin, Union Representative, for their work on the Local 11 Contract.

## **XII. PUBLIC COMMENTS**

There were no comments from the public.

## **XIII. EXECUTIVE SESSION**

### **A. Potential Litigation**

The meeting recessed at 7:47 p.m. for discussion about potential litigation for an estimated 15 minutes. No further action was taken.

## **XIV. ADJOURNMENT**

The meeting adjourned at 8 p.m. and Council went into a closed session to discuss labor negotiations.

## **XV. CLOSED SESSION (item added 12-12-13 at 2:21 p.m.)**

### **A. Labor Negotiations**

**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 a person with special needs has the opportunity to participate. For more information, please call 360.834.6864.*

**Quick Preview of Agenda and Supporting Documents - Posted 12-12-13**

Council Agenda with Supporting Documents (large file - it may take a few minutes to upload) 

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Mayor

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City Clerk



<b>Supplemental Agreement Number</b> <u>Two (2)</u>		Organization and Address	
Original Agreement Number <u>S-566</u>		Harper Houf Peterson Righellis Inc. (HHPR) 1104 Main Street, Suite 100 Vancouver, WA 98660 Phone: (360) 750-1131	
Project Number	Execution Date <u>7/16/2012</u>	Completion Date <u>12/31/2014</u>	
Project Title <u>NW Friberg Street / NE Goodwin Road</u>	New Maximum Amount Payable <b>\$ 835,262.00</b>		
Description of Work This scope of work includes the Project Management, Survey, Engineering and Plan Preparation of the Final PSE, R/W Services, Natural and Cultural Resources Services, Hazardous Materials Assessment Services, Public Involvement Services, and Bidding Assistance Services. (REFER TO EXHIBIT "A" FOR SPECIFIC SUPPLEMENTAL AGREEMENT NO. 2 SCOPE OF SERVICES)			

The Local Agency of City of Camas  
desires to supplement the agreement entered into with Harper Houf Peterson Righellis Inc.  
and executed on 07/16/2012 and identified as Agreement No. S-566

All provisions in the basic agreement remain in effect except as expressly modified by this supplement.

The changes to the agreement are described as follows:

I

Section 1, SCOPE OF WORK, is hereby changed to read:

Refer to Exhibit "A" attached

II

Section IV, TIME FOR BEGINNING AND COMPLETION, is amended to change the number of calendar days for completion of the work to read: New Completion Date - December 31, 2014

III

Section V, PAYMENT, shall be amended as follows:

New Maximum NTE Fee Limit: \$755,970 (prior NTE) - \$79,292 (Supplement Agreement No 2, Addition)  
= \$ 835,262. Refer to Exhibit "B", Exhibit G-1s for professional service fees.

as set forth in the attached Exhibit A, and by this reference made a part of this supplement.

If you concur with this supplement and agree to the changes as stated above, please sign in the appropriate spaces below and return to this office for final action.

By: Charles L. Harper - President (HHPR)

Consultant Signature

By: \_\_\_\_\_

Approving Authority Signature

\_\_\_\_\_  
Date

**EXHIBIT "A" – SCOPE OF SERVICES  
(Supplemental Agreement No. 2)**

**NW FRIBERG STREET / NE GOODWIN ROAD**

**SCOPE OF SERVICES – AMENDMENT**

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The City of Camas plans to reconstruct and widen NW Friberg/Strunk Road from NW Lake Road to NE Goodwin Road, and NE Goodwin Road from NW Friberg/Strunk to Camas Meadows Drive. Elements of the project include a 3-lane paved road (two travel lanes with a center left turn lane) with two bike lanes, curbs and sidewalks on both sides, and intersection and signal improvements at the Friberg/Strunk and Goodwin Road intersection. Total project length is approximately 0.83 miles.

Supplemental #2 Scope of Services consists of services required within the following project scope of work tasks:

- Task 3: Cultural Resources
- Task 4: Final Roadway Engineering Design and PSE
- Task 7: Right-of-Way Services
- Task 8: Hazardous Materials Assessment Services

**TASK 3: CULTURAL RESOURCES**

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AINW completed the cultural resource survey of the City of Camas' NW Friberg St/NE Goodwin Road Street Improvements project to meet federal, state, and local compliance in January 2013. In June 2013 AINW completed the survey and report required for a new stormwater pipe outfall for the project. The monitoring plan was prepared in July 2013.

This scope is to provide the *submittal for a Modified APE Request for the Off-Site Mitigation Area* on NW 38<sup>th</sup> Avenue that is known as the Grass Valley Park vicinity. Most of the site was previously surveyed by AINW. The document will meet the requirements of Section 106 of the National Historic Preservation Act as the project will be reviewed by the Washington State Department of Transportation (WSDOT). The document will also meet the City of Camas' archaeological ordinance, and will address how the previous survey of the proposed mitigation area followed the standards and guidelines of the Washington Department of Archaeology and Historic Preservation (DAHP).

The *revised APE* submittal will review the previous studies in the proposed mitigation area. The document will note that the area was surveyed in 2009, no evidence of an archaeological site was found, and no more work is needed. The objective is to show the previous work is adequate to meet the objective of the survey, and to recommend no additional archaeological survey would be needed.

The draft APE will be submitted for review and finalization to WSDOT through the City of Camas. No additional reports will need to be submitted to Tribes to meet the City's compliance review, as the report was sent to Tribes when the survey was done a few years ago.

**EXHIBIT "A" – SCOPE OF SERVICES  
(Supplemental Agreement No. 2)**

**TASK 4: FINAL ROADWAY ENGINEERING DESIGN AND PSE (includes Survey)**

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Surveying –

- Additional field surveying was required/requested to locate Clark Public Utilities poles (front and back) to provide the necessary precision to confirm if pole locations are within the right-of-way to determine pole relocation responsibilities.
- Additional field surveying was required/requested to locate the proposed utility crossings between the proposed stormwater / sanitary sewer improvements and existing public water and sewer systems

Grass Valley Wetland Mitigation Site (Survey and PSE) –

- Field survey of the existing Grass Valley Wetland Mitigation Site was necessary for the grading and planting design and plans for the Friberg / Goodwin wetland mitigation design due to impacts to existing wetland areas along NW Friberg Street.
- Grading and landscape design, and the preparation of the plans, specifications, and estimates (PSE) for the wetland mitigation areas at the existing Grass Valley Mitigation Site.

Storm Drainage Analysis and PSE Revisions – The subsequent tasks became necessary following completion of the 60% project PSE.

- Analyzed the option to change from the "stormtank" detention system under the sidewalk to detention pipe systems.
- Design and preparation of plans, specifications, and estimates (PSE) of a storm detention pipe system under the roadway, including changes to laterals, inlets, and outfalls.
- Revised stormwater design calculations and report.

Water and Sewer PSE Revisions – The subsequent tasks became necessary following completion of the 60% project PSE.

- Analyzed the impacts to the existing and proposed water and sewer systems effected by the design of the storm detention pipe noted above. This required that the proposed sanitary sewer be shifted to the opposite side of the roadway.
- Design and preparation of plans, specifications, and estimates (PSE) of the revised sanitary sewer and water systems, including changes to laterals/services, and systems profiles.

**EXHIBIT "A" – SCOPE OF SERVICES  
(Supplemental Agreement No. 2)**

Street Plan Revisions - The subsequent tasks became necessary following completion of the 60% project PSE.

- Street design preparation of plans, specifications and estimates were required with the addition of median, change from a shed street section to a crown, and storm system changes noted above.
  - Street design and plan additions/changes,
  - Landscape design and plan additions/changes,
  - Additional coordination between civil, landscape and lighting,
  - Adjustment of utility alignments,
  - Revision to the vertical profile of the roadway to provide the required cover over the detention pipe,
  - Revised the curb line profiles,
  - Revised the grading and earthwork catch lines,
  - Revised all walls, plans and profiles.

**TASK 7: RIGHT-OF-WAY ACQUISITION SERVICES**

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Property Appraisals –

Conduct a property appraisal on each easement to be acquired for the project. It is assumed that there are up to 14 properties to be appraised. The appraisers will develop value appraisals of easements based on industry standard methodologies and in accordance with applicable regulations. Appraisal Reviews will be required and a qualified review appraiser will complete a review for each appraisal. Universal's Project Manager will check each appraisal for completeness prior to sending to the City for authorization.

A revision to this task is required due to additions to the original budget based on the appraiser discovering after the project funding estimate that Before and After appraisals were required and a TCE appraisal waiver was added. In addition City has requested a new property appraisal and review.

Offer Presentations –

With prior approval from the City, prepare individual property owner offer presentation packages and conduct personal offer presentations. Report and coordinate with the City. Offers to be prepared following the Federal Uniform Act and WSDOT LAG Manual requirements. UFS will work with each property owner to reach satisfactory agreement to both the owner and the City.

Administrative settlements above the approved amount will need be to be authorized by the City. UFS will make recommendations and prepare justification letters as needed. Additional time has been spent for acquisitions and the addition of one parcel for negotiations.

Legal Reviews/Title Searches/Final Closing Coordination –



**EXHIBIT "A" – SCOPE OF SERVICES  
(Supplemental Agreement No. 2)**

Coordinate the final closing, final reviews and details with the title company and City legal counsel, if necessary. Review updated title reports and set up closing at the title company or through the City procedures for payment. Provide the City with a file of all executed documents for each easement.

**TASK 8: HAZARDOUS MATERIALS ASSESSMENT SERVICES**

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Grass Valley Wetland Mitigation Site --

- A Hazardous Materials Assessment of the Grass Valley Wetland Mitigation Site will be conducted in general accordance with the American Society for Testing and Materials (ASTM) Practice E 1527-05, Standard Practice for Environmental Site Assessments including an environmental database review, tax assessor review, historical aerial photograph review, and historical records review. Property owners will be contacted and interviewed if database review indicates current or past recognized hazardous environmental conditions.
  
- A Hazardous Materials Technical Memorandum/Report will be prepared for inclusion into the Local Agency Environmental Classification Summary (ECS) document.



Harper  
Houf Peterson  
Righellis Inc.

## EXHIBIT "B" (Supplemental Agreement No. 2) NW Friberg Street / NE Goodwin Road Improvements

**Professional Services Estimate  
December 16, 2013**

Task and Description	Harper Houf Peterson Righellis Inc. (Project Management, Survey, Engineering, Public Involvement, HazMat)															Rate of Resources	Cultural Resources	Traffic Engineering	R/W Services	Total Per Task					
	PM	P.Eng.	C.Eng./S.C. Des.	S.C. Des.	C. Des.	CAD	S.L.A.	L.A.	Inv.	S. Mgr.	P. Surv.	S. Tech.	Crew C.	Inv. P.	Cler.	Resp.	NAL	ARW	TRK	UIS					
<b>Task 3: Cultural Resources</b>																					<b>Task 3 - Cultural Resources</b>				<b>\$1,678.62</b>
Cultural Resources	0.5																	\$1,603.00				\$1,678.62			
<b>Task 4: Final Roadway Engineering Design and PSE</b>																					<b>Task 4 - Final Roadway Engineering Design and PSE</b>				<b>\$49,533.59</b>
Surveying - CRU Pipe Locations and Potable Locations		4.8								2.0	4.0	32.0	17.0									\$2,883.52			
Surveying - Grass Valley Wetland Mitigation Site	0.5									2.8	2.0	7.0	7.0									\$1,498.61			
Grass Valley Wetland Mitigation Site - Grading & Placing PSE	0.5		8.0			15.0		8.0														\$3,080.26			
Storm Drainage Analysis - Detention Pipe Change	4.0	48.0	24.0																			\$10,368.08			
Storm Drainage Plan Revisions - Detention Pipe Change	2.0	24.0	32.0			48.0																\$11,375.90			
Water and Sewer Plan Revisions - Detention Pipe Change Impact	1.0	12.0	24.0			32.0																\$7,307.85			
Street Plan Revisions - Median Additions and change To Crown Section	4.0	8.0	24.0			32.0	24.0	32.0														\$13,018.28			
<b>Task 7: Right-of-Way Acquisition Services</b>																					<b>Task 7 - Right-of-Way Acquisition Services</b>				<b>\$24,379.85</b>
Property Acquisitions/Other Presentations/Reviews	2.0	2.0																			\$23,783	\$24,379.85			
<b>Task 8: Hazardous Materials Assessment Services</b>																					<b>Task 8 - Hazardous Materials Assessment Services</b>				<b>\$3,699.69</b>
Grass Valley Wetland Mitigation Site - Level 1 Hazardous Materials Assessment	1.0	2.0	23.0													0.5						\$3,699.69			
<b>Total Hours - HHPR</b>	15.5	140.0	135.4	0.0	0.0	128.0	24.0	40.0	0.0	4.0	5.0	0.0	19.0	19.0	0.5	853.0	\$9.00	\$1,603.00	\$9.00	\$23,783.00	\$850	<b>Estimated Grand Total</b>			

Disposition Classification: PM - Project Manager  
 P.Eng. - Project Engineer  
 C.Eng. - Civil Engineer  
 S.C.Des. - Senior Civil Designer  
 C.Des. - Civil Designer  
 CAD - CAD Technician  
 S.L.A. - Senior Landscape Architect  
 L.A. - Landscape Architect

P.M. - Public Involvement Manager  
 S.Mgr. - Survey Manager  
 P.Surv. - Project Surveyor  
 S. Tech. - Survey Tech.  
 Crew C. - Survey Crew Chief  
 Inv. P. - Survey Instrument Person  
 Cler. - Clerical

Totals by Consultants	
Harper Houf Peterson Righellis Inc. (All Services/Engineering)	\$51,699.31
DKS Associates, Inc. (Traffic Engineering)	\$0.00
Northeast Inc. (Environmental/NEPA-SEPA)	\$0.00
Universal Field Services (R/W Services)	\$23,789.43
Archaeological Investigations NW (Cultural Resources)	\$1,603.00
	<b>\$79,291.74</b>

Exhibit G-1  
Subconsultant Fee Determination  
Summary Sheet

Project: Friberg Rd, Camas Washington, Phase 2  
 Task: Right of Way Appraisal and Acquisition Services  
 Subconsultant: Universal Field Services

Direct Salary Cost (DSC):

<u>Classification</u>	<u>Man Hours</u>				<u>Rate</u>	=	<u>Cost</u>
	Field	Office	Total				
<u>Regional Manager</u>				X		=	<u>\$0</u>
<u>Project Manager</u>		6	6	X	\$41.50	=	<u>\$249</u>
<u>Sr. Right of Way Agent</u>	30	10	40	X	\$31.00	=	<u>\$1,240</u>
<u>Admin Assistant</u>				X	\$16.75	=	<u>\$0</u>
			0	X		=	<u>\$0</u>
			0	X		=	<u>\$0</u>
			0	X		=	<u>\$0</u>
<b>Total DSC</b>						=	<b><u>\$1,489.00</u></b>

Overhead (OH Cost -- Including Salary Additives):

OH Rate 50.6% X \$1,489.00 = \$753.73

Fixed Fee (FF)

FF Rate 30% X \$1,489.00 = \$446.70

Reimbursables:	Total Reimbursables =	<u>\$500.00</u>
	Mileage, postage, etc.	
Subconsultants:	Total Subconsultant Fees =	<u>\$20,600.00</u>
	Appraisals, Appraisal Reviews	
<b>Grand Total</b>		<b><u>\$23,789.43</u></b>

Prepared By: Leslie Finnigan Date: December 10, 2013

**Exhibit G-1**  
**Subconsultant Fee Determination - Summary Sheet**

**PROJECT: NW Friberg Street / NE Goodwin Road (S-566)**  
**Subconsultant: AINW**

ARCHAEOLOGICAL INVESTIGATIONS NORTHWEST, INC. (AINW)

*MITIGATION AREA ADDED JULY 2013*

DIRECT SALARY COST (DSC):

<u>Classification</u>	<u>Man Hours</u>	x	<u>Rate</u>	=	<u>Cost</u>
PI/PM Senior Archaeologist	11.25	x	\$50.40	=	\$567
Supervising Archaeologist	0	x	\$28.35	=	\$0
Graphics/GIS	3.5	x	\$29.40	=	\$103
Architectural Historian/Historian	0	x	\$28.40	=	\$0
Staff Archaeologist	0	x	\$22.00	=	\$0
Archaeological Assistant	0	x	\$18.00	=	\$0
Research/Project Assist-Admin.	1.25	x	\$20.00	=	\$25
	16				

TOTAL DSC = \$695

OVERHEAD (OH COST - Including Salary Additives):

OH Rate x DSC of 109.76% x \$695 TOTAL OH = \$763

FIXED FEE (FF):

FF Rate x (DSC + OH) of 10.00% x \$1,458 TOTAL FF = \$146

REIMBURSABLES:

Mileage 0 RT	0	x	0.565		\$0
Vehicle	0	x	\$58.00		\$0
Fuel for vehicle	0	x	\$10.00		\$0
				TOTAL REIMBURSABLES =	<u>\$0</u>

TOTAL LSW = \$1,603

SUBCONSULTANT:

**GRAND TOTAL** = \$1,603

PREPARED BY: Jo Reese - (AINW)

DATE: December 9, 2013



City of Camas  
Contract Change Order

Order No. 5 Date December 16, 2013

Contract for S-545 NW 38<sup>th</sup>/SE 20<sup>th</sup> Roadway Improvements, Ph. 1

To Tapani, Inc.  
(Contractor)

You are hereby requested to comply with the following changes from the contract plans and specifications:

Description of Changes (Supplemental Plans and Specifications Attached)	Decrease in Contract Price	Increase in Contract Price
--	-------------------------------	-------------------------------

A. **CCO#12** – Change bid item A14 Gravel Borrow to Select Borrow. Select borrow material meets the original function as intended. A 2% credit to be applied towards the cost of material incorporated into the project that results in a credit to the City. **(\$2,025.11)**

B. **BID ITEMS DECREASED -**  
The following bid items decreased from the original bid quantity or were deleted:  
Bid items: A7, A17, A18, A20, A21, A23-A31, A33, A35, A37, A38, A41, A41 A45, A46, A56, A62, A64, A65, A68-A70, A73, A75, A79, A81, A82, A84, A87, A88, A92, A94, A95, A97, A101, A102, A104, A110, A112, A114, A115, B1, B3, B9, B11, and B17

C. **BID ITEMS INCREASED -**  
The following bid items increased from the original bid quantity:  
Bid items: A6, A12-A16, A19, A22, A32, A34, A36, A39, A42, A55, A66, A67, A74, A76, A77, A83, A90, A91, A93, A96, A98, A103, B2, B17, and B20

Total: (\$2,025.11)

**Net Change in Contract Price: (\$2,025.11)**

NOTE:

Item A - CCO#12 is a 2% credit to the City for a change in material from Gravel Borrow to Select Borrow. Credit was applied towards the cost of the material incorporated into the project: 28,118.16 tons @ \$3.50/ton.

Items B and C are the list of bid items that increased or decreased from the original contract amount. These amounts were incorporated into the pay estimates as they occurred. Verbal approval was given for this work by Project Engineer, Anita Ashton, after consultation with Jim Hodges, Project Manager. Items B and C of this change order are for project documentation purposes only as required under WSDOT Standard Specifications Section 1-04.6. The Contractor and the City agreed to the original unit cost on all bid items.

The amount of the contract, prior to sales tax, will be **(decreased)** (increased) (unchanged) by the sum of: two thousand twenty-five dollars and eleven cents (\$2,025.11).

The contract total, including the original contract total, this and previous change orders will be: Three million nine hundred twenty-two thousand, four hundred forty-four dollars and ninety-one cents (\$3,922,444.91). **Sales tax is included in this total.**

The contract period provided for completion will be (increased) (decreased)  
(unchanged): 0 days.

This document will become a supplement to the contract and all provisions will  
apply hereto.

Requested	<u>James Hodges</u> Project Manager	<u>12/27/2013</u> Date
Recommended	<u>John L. Cavatone</u> Engineering Manager	<u>12/28/2013</u> Date
Accepted	<u>[Signature]</u> Contractor	<u>12/23/2013</u> Date
Approved	_____ Mayor	_____ Date



**CONTRACT CHANGE ORDER (CCO) NO. 12**

Project Name: NW 38<sup>th</sup> Ave/SE 20<sup>th</sup> St Extension, S-545

Date: November 11, 2013

To: Tapani Inc. PO Box 1900 1904 SE 6 <sup>th</sup> Place Battle Ground, WA. 98604  Attention: Lason McDaniels
<input type="checkbox"/> Ordered by Engineer under terms of Section 1-04.4 of the Standard Specifications  <input checked="" type="checkbox"/> Change proposed by Contractor

**JUSTIFICATION**

The Contractor has requested that the material for Bid Item A14, Gravel Borrow, be revised to Select Borrow. It has been determined by the Engineer that Select Borrow will serve the same function as Gravel Borrow in this application. The test results for SE and gradation met the specifications for Select Borrow. See Attachment A, Email from Bill Pierce, Resident Engineer for the project stating that the material is functioning as intended.

**CLARIFICATION / DESCRIPTION OF WORK**

A total of 28,930.18 tons of Gravel Borrow was incorporated into the project. A 2% technical credit shall be applied on the material delivered and the description of the material shall be revised to Select Borrow.

**PAYMENT**

A 2% technical credit in the amount of \$2,025.11 shall be applied. The cost of the material is \$3.50 per ton as shown on the delivery tickets.

**TIME**

Time shall not be impacted by this change order.



ORIGINAL CONTRACT	CURRENT CONTRACT	EST. NET CHANGE THIS CHANGE ORDER	TOTAL CHANGE ORDERS, INCLUDING THIS ONE	EST. CONTRACT AFTER THIS CHANGE ORDER
\$3,651,231.33*	\$3,846,171.27*	-\$2025.11	\$30,733.50	\$3,844,146.16**

\* Amount with applicable sales tax included

\*\* Estimated Contract Amount above is based on Pay Estimate #8 total.

All work, materials and measurements to be in accordance with the provisions of the original contract and/or the standard specifications and special provisions for the type of construction involved. The payments and/or additional time specified and agreed to in this order include every claim by the Contractor for any extra payment or extension of time with respect to the work described herein, including delays to the overall project.

APPROVED BY:	SIGNATURE:	DATE:
CONTRACTOR		12/09/2012



CITY OF CAMAS  
 PROJECT NO. SS-579A  
 DESCRIPTION: 2013 NW Leadbetter & GVP  
 Wetland Maintenance

**PAY ESTIMATE: FOUR and Final**  
 PAY PERIOD: November 18, 2013  
 WORK PERIOD: Sept/October, 2013  
 (Work Period - 4th Maintenance Period)  
 Original Contract Total: \$11,207.79  
 (Does Not Include Sales Tax)

SOUND NATIVE PLANTS, INC.  
 PO BOX 7505  
 OLYMPIA, WA 98507-7505  
 360.352.4122

ITEM NO.	DESCRIPTION	UNIT	ORIGINAL QUANTITY	UNIT PRICE	CONTRACT TOTAL	QUANTITY PREVIOUS	TOTAL PREVIOUS	QUANTITY THIS EST.	TOTAL THIS EST.	QUANTITY TO DATE	TOTAL TO DATE
<b>Schedule A - NW Leadbetter Drive</b>											
1	Mobilization	LS	1.00	\$773.10	\$773.10	0.75	\$579.83	0.25	\$193.28	1.00	\$773.10
2	Maintenance Period - April	LS	1.00	\$2,102.65	\$2,102.65	1.00	\$2,102.65	0.00	\$0.00	1.00	\$2,102.65
3	Maintenance Period - June	LS	1.00	\$1,105.28	\$1,105.28	1.00	\$1,105.28	0.00	\$0.00	1.00	\$1,105.28
4	Maintenance Period - August	LS	1.00	\$900.04	\$900.04	1.00	\$900.04	0.00	\$0.00	1.00	\$900.04
5	Maintenance Period - October	LS	1.00	\$1,099.03	\$1,099.03	0.00	\$0.00	1.00	\$1,099.03	1.00	\$1,099.03
<b>Subtotal</b>					<b>\$5,980.10</b>		<b>\$4,687.80</b>		<b>\$1,292.31</b>		<b>\$5,980.10</b>

<b>Schedule B - Grass Valley Park (GVP)</b>											
1	Mobilization	LS	1.00	\$773.10	\$773.10	0.75	\$579.83	0.25	\$193.28	1.00	\$773.10
2	Maintenance Period - April	LS	1.00	\$1,547.51	\$1,547.51	1.00	\$1,547.51	0.00	\$0.00	1.00	\$1,547.51
3	Maintenance Period - June	LS	1.00	\$1,348.52	\$1,348.52	1.00	\$1,348.52	0.00	\$0.00	1.00	\$1,348.52
4	Maintenance Period - August	LS	1.00	\$616.47	\$616.47	1.00	\$616.47	0.00	\$0.00	1.00	\$616.47
5	Maintenance Period - October	LS	1.00	\$942.09	\$942.09	0.00	\$0.00	1.00	\$942.09	1.00	\$942.09
<b>Subtotal</b>					<b>\$5,227.69</b>		<b>\$4,092.33</b>		<b>\$1,135.37</b>		<b>\$5,227.69</b>

Change Orders											
1							\$0.00		\$0.00		\$0.00

	ORIGINAL CONTRACT TOTAL	TOTAL PREVIOUS	TOTAL THIS EST.	TOTAL TO DATE
ORIGINAL CONTRACT TOTAL	\$11,207.79	\$8,780.12	\$2,427.67	\$11,207.79
CHANGE ORDERS TO DATE	---	\$0.00	\$0.00	\$0.00
SUBTOTAL	\$11,207.79	\$8,780.12	\$2,427.67	\$11,207.79
SALES TAX (8.4%)	\$941.45	\$737.53	\$203.92	\$941.45
TOTAL CONTRACT	\$12,149.24	\$9,517.65	\$2,631.59	\$12,149.24
WITHHOLDING 50% IN LIEU OF RETAINAGE	(\$5,603.90)	(\$4,390.06)	(\$1,213.84)	(\$5,603.90)
<b>TOTAL LESS 50% WITHHOLDING</b>	<b>\$6,545.35</b>	<b>\$5,127.59</b>	<b>\$1,417.76</b>	<b>\$6,545.35</b>

Account Number: 419-00-553-500-48      \$1,417.76

*Arvita Ashton* 11/12/13  
 Project Engineer      Date

*[Signature]* 11/7/2013  
 Contractor      Date

*James Hedges* 11/12/2013  
 Project Manager      Date

CITY OF CAMAS PROJECT NO. P-862 Project Name: Lacamas Lake Lodge Building Improvements			PAY ESTIMATE: SIX PAY PERIOD: Nov 23, 2013 Through Dec 20, 2013  Original Contract Amount: \$1,672,951.00				JWC Construction PO Box 821409 Vancouver, WA 98682 (360) 693-8925 (360) 693-8925				
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ITEM NO.	DESCRIPTION	UNIT	ORIGINAL QUANTITY	UNIT PRICE	CONTRACT TOTAL	QUANTITY PREVIOUS	TOTAL PREVIOUS	QUANTITY THIS EST.	TOTAL THIS EST.	QUANTITY TO DATE	TOTAL TO DATE
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SCHEDULE "A" - SITE IMPROVEMENTS											
0	PERFORMANCE & PAYMENT BOND	LS	1.00	\$20,280.00	\$20,280.00	1.00	\$20,280.00	0.00	\$0.00	1.00	\$20,280.00
1	GENERAL CONDITIONS	LS	1.00	\$146,600.00	\$146,600.00	0.71	\$104,086.00	0.13	\$19,058.00	0.84	\$123,144.00
2	SITWORK	LS	1.00	\$483,542.00	\$483,542.00	0.88	\$425,516.96	0.08	\$38,883.36	0.96	\$464,200.32
3	CONCRETE	LS	1.00	\$87,700.00	\$87,700.00	0.98	\$85,946.00	0.02	\$1,754.00	1.00	\$87,700.00
4	MASONRY	LS	1.00	\$24,557.00	\$24,557.00	0.95	\$23,329.15	0.05	\$1,227.85	1.00	\$24,557.00
5	METALS	LS	1.00	\$17,700.00	\$17,700.00	0.95	\$16,815.00	0.00	\$0.00	0.95	\$16,815.00
6	WOODS & PLASTICS	LS	1.00	\$214,009.00	\$214,009.00	0.91	\$194,748.19	0.06	\$12,840.54	0.97	\$207,588.73
7	THERMAL & MOISTURE PROTECTION	LS	1.00	\$70,955.00	\$70,955.00	0.73	\$51,797.15	0.19	\$13,481.45	0.92	\$65,278.60
8	DOORS & WINDOWS	LS	1.00	\$84,590.00	\$84,590.00	0.37	\$31,298.30	0.55	\$46,524.50	0.92	\$77,822.80
9	FINISHES	LS	1.00	\$101,555.00	\$101,555.00	0.00	\$0.00	0.45	\$45,699.75	0.45	\$45,699.75
10	SPECIALTIES	LS	1.00	\$14,645.00	\$14,645.00	0.50	\$7,322.50	0.00	\$0.00	0.50	\$7,322.50
11	EQUIPMENT	LS	1.00	\$32,592.00	\$32,592.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
12	FURNISHINGS	LS	1.00	\$15,225.00	\$15,225.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
13	SPECIAL CONSTRUCTION	LS	1.00	\$0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
14	CONVEYING SYSTEMS	LS	1.00	\$0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00
15	MECHANICAL	LS	1.00	\$116,800.00	\$116,800.00	0.88	\$102,784.00	0.02	\$2,336.00	0.90	\$105,120.00
16	ELECTRICAL	LS	1.00	\$134,827.00	\$134,827.00	0.60	\$80,776.20	0.20	\$26,925.40	0.80	\$107,701.60
17	CONTRACTOR FEE/INSURANCE	LS	1.00	\$107,574.00	\$107,574.00	0.73	\$78,529.02	0.13	\$13,984.62	0.86	\$92,513.64

Schedule "A" Subtotal:				\$1,672,951.00		\$1,223,228.47		\$222,515.47		\$1,445,743.94
Sales Tax:	Rate: 8.4%			\$140,527.88		\$102,751.19		\$18,691.30		\$121,442.49
Schedule "A" Total:				\$1,813,478.88		\$1,325,979.66		\$241,206.77		\$1,567,186.43


SCHEDULE "B" - CHANGE ORDERS											
Change Order #1											
Items A, B, C and E	LS	1.00	\$10,229.03	\$10,229.03	1.00	\$10,229.03	0.00	\$0.00	0.00	\$0.00	
Item D	LS	1.00	\$3,730.41	\$3,730.41	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	
Change Order #2											
Items A, B, C and E	LS	1.00	\$13,196.36	\$13,196.36	1.00	\$13,196.36	0.00	\$0.00	0.00	\$0.00	
Item D	LS	1.00	\$984.70	\$984.70	0.00	\$0.00	0.00	\$0.00	0.00	\$0.00	
Change Order #3											
	LS	1.00	\$38,893.53	\$38,893.53	0.00	\$0.00	0.60	\$23,336.12	0.00	\$0.00	

Schedule "B" Subtotal:				\$67,034.03		\$23,425.39		\$23,336.12		\$0.00
Sales Tax:	Rate: 8.4%			\$5,630.86		\$1,967.73		\$1,960.23		\$0.00
Schedule "B" Total:				\$72,664.89		\$25,393.12		\$25,296.35		\$0.00

	ORIGINAL CONTRACT TOTAL	TOTAL PREVIOUS	TOTAL THIS EST.	TOTAL TO DATE
SUBTOTALS	\$ 1,672,951.00	\$ 1,223,228.47	\$ 222,515.47	\$ 1,445,743.94
CHANGE ORDERS TO DATE	\$ 67,034.03	\$ 23,425.39	\$ 23,336.12	\$ 46,761.51
SUBTOTAL	\$ 1,739,985.03	\$ 1,246,653.86	\$ 245,851.59	\$ 1,492,505.45
SALES TAX (8.4%)	\$146,158.74	\$104,718.92	\$20,651.53	\$ 125,370.46
TOTAL CONTRACT	\$ 1,886,143.77	\$ 1,351,372.78	\$ 266,503.12	\$ 1,617,875.91
LESS 5% RETAINAGE	-----	\$ (62,332.69)	\$ (12,292.58)	\$ (74,625.27)
TOTAL LESS RETAIN.	-----	\$ 1,289,040.09	\$ 254,210.54	\$ 1,543,250.63

CITY OF CAMAS PROJECT NO. P-862 Project Name: Lacamas Lake Lodge Building Improvements			PAY ESTIMATE: SIX PAY PERIOD: Nov 23, 2013 Through Dec 20, 2013  Original Contract Amount: \$1,672,951.00				JWC Construction PO Box 821409 Vancouver, WA 98682 (360) 693-8925 (360) 693-8926				
ITEM NO.	DESCRIPTION	UNIT	ORIGINAL QUANTITY	UNIT PRICE	CONTRACT TOTAL	QUANTITY PREVIOUS	TOTAL PREVIOUS	QUANTITY THIS EST.	TOTAL THIS EST.	QUANTITY TO DATE	TOTAL TO DATE

 12/27/13  
 Project Engineer Date

 12/27/13  
 Contractor Date

 12/30/2013  
 Project Manager Date

CITY OF CAMAS PROJECT NO. P-862B Project Name: Heritage Park Boat Launch & Parking Improvements	PAY ESTIMATE: TWO PAY PERIOD: Nov 23, 2013 through Dec 20, 2013 Original Contract Amount: \$391,432.00	Tapani Inc. PO Box 1900 Battle Ground, WA 98604 Phone: (360) 687-1148 FAX: (360) 687-6748
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ITEM NO.	DESCRIPTION	UNIT	ORIGINAL QUANTITY	UNIT PRICE	CONTRACT TOTAL	QUANTITY PREVIOUS	TOTAL PREVIOUS	QUANTITY THIS EST.	TOTAL THIS EST.	QUANTITY TO DATE	TOTAL TO DATE
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SCHEDULE "A" - Boat Launch											
1	Boat Launch & Dock Installation	LS	1.00	\$52,600.00	\$52,600.00	0.90	\$47,340.00	0.10	\$5,260.00	1.00	\$52,600.00

Schedule "A" Subtotal:					\$52,600.00		\$47,340.00		\$5,260.00		\$52,600.00
Sales Tax:	Rate: 8.4%				\$4,418.40		\$3,976.56		\$441.84		\$4,418.40
Schedule "A" Total:					\$57,018.40		\$51,316.56		\$5,701.84		\$57,018.40

SCHEDULE "B" - Parking Lot											
2	Parking Lot, Sidewalk & Trail	LS	1.00	\$245,000.00	\$245,000.00	0.25	\$61,250.00	0.65	\$159,250.00	0.90	\$220,500.00

Schedule "B" Subtotal:					\$245,000.00		\$61,250.00		\$159,250.00		\$220,500.00
Sales Tax:	Rate: 8.4%				\$20,580.00		\$5,145.00		\$13,377.00		\$18,522.00
Schedule "B" Total:					\$265,580.00		\$66,395.00		\$172,627.00		\$239,022.00

SCHEDULE "C" - Storm Drainage System											
3	Install pipe, manholes, filter vault & outfall	LS	1.00	\$63,500.00	\$63,500.00	0.85	\$53,975.00	0.15	\$9,525.00	1.00	\$63,500.00

Schedule "C" Subtotal:					\$63,500.00		\$53,975.00		\$9,525.00		\$63,500.00
Sales Tax:	Rate: 8.4%				\$5,334.00		\$4,533.90		\$800.10		\$5,334.00
Schedule "C" Total:					\$68,834.00		\$58,508.90		\$10,325.10		\$68,834.00

SCHEDULE "D" - Change Orders											

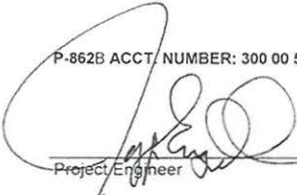
Schedule "D" Subtotal:					\$0.00		\$0.00		\$0.00		\$0.00
Sales Tax:	Rate: 8.4%				\$0.00		\$0.00		\$0.00		\$0.00
Schedule "D" Total:					\$0.00		\$0.00		\$0.00		\$0.00

	ORIGINAL CONTRACT TOTAL	TOTAL PREVIOUS	TOTAL THIS EST.	TOTAL TO DATE
SUBTOTALS	\$361,100.00	\$162,565.00	\$174,035.00	\$336,600.00
CHANGE ORDERS TO DATE	-----	\$0.00	\$0.00	\$0.00
SUBTOTAL	\$361,100.00	\$162,565.00	\$174,035.00	\$336,600.00
SALES TAX (8.4%)	\$30,332.40	\$13,655.46	\$14,618.94	\$28,274.40
TOTAL CONTRACT	\$391,432.40	\$176,220.46	\$188,653.94	\$364,874.40
LESS 5% RETAINAGE	-----	(\$8,128.25)	(\$8,701.75)	(\$16,830.00)
TOTAL LESS RETAIN.	-----	\$168,092.21	\$179,952.19	\$348,044.40

P-862B ACCT. NUMBER: 300 00 594 760 63

THIS PAY EST. LESS RETAINAGE

\$179,952.19

  
 Project Engineer  
 Date: 12/27/13

  
 Contractor  
 Date: 12-30-2013

  
 Project Manager  
 Date: 12/30/2013

## National Mentoring Month Proclamation

**WHEREAS**, National Mentoring Month provides an opportunity to recognize and commend the efforts of mentoring programs and raise community awareness of the importance of mentoring; and

**WHEREAS**, the future of the *City of Camas* rests on the hopes and dreams of its children and youth; and

**WHEREAS**, mentors are caring and motivating individuals who are good listeners, offering support and encouragement, and providing a consistent role model; and

**WHEREAS**, young people greatly benefit from mentors who can encourage self-confidence and positive attitude, inspire them in their education endeavors, inform them of the importance of healthy relationships with their friends and families, and educate them on the perils of drug and alcohol abuse and delinquent behavior; and

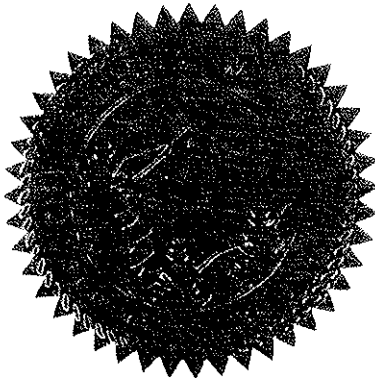
**WHEREAS**, research has shown mentored youth are 52% less likely to skip a day of school, 46% less likely to start using drugs, and 27% less likely to start drinking; and

**WHEREAS**, mentoring provides mentors the opportunity to learn more about themselves, improve their own values and morale, and get a fresh perspective on their lives; and

**WHEREAS**, there are various local mentoring programs that have made significant contributions to our community by offering outstanding services to youth in the *City of Camas* and

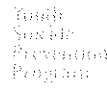
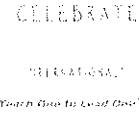
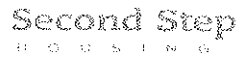
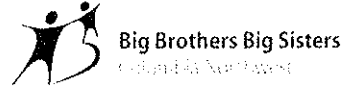
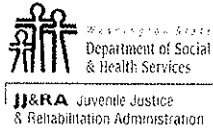
**WHEREAS**, the *City of Camas* commends all the mentors of our community for their valuable contributions and for the services they provide our youth, as they encourage others to make a difference in the life of the *City of Camas* youth;

**NOW, THEREFORE I, SCOTT HIGGINS, THE MAYOR OF THE CITY OF CAMAS**, do hereby proclaim January 2014 as "NATIONAL MENTORING MONTH."



IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Camas to be affixed this 6th Day of January, 2014.

\_\_\_\_\_  
SCOTT HIGGINS, MAYOR





The amendments within Chapter 17.11 included amending the preliminary plat expiration date to be consistent with Substitute House Bill 1074 (effective 07/28/13), which extended the validity of certain plats to ten years. Amendments proposed within Chapters 17.07 and 17.19 are intended to add clarity to development standards that have been a cause for confusion. In particular, several amendments are to the street dimensional standards within CMC in order to correspond with the engineering standards within the Design Standard Manual.

## **Title 18 Zoning**

The proposed amendments to Title 18 are contained within the following twenty\* chapters: Chapter 18.03 – DEFINITIONS; Chapter 18.05 ZONING MAP AND DISTRICTS; Chapter 18.07 USE AUTHORIZATION; Chapter 18.09 DENSITY AND DIMENSIONS; Chapter 18.11 – PARKING; Chapter 18.13 – LANDSCAPING; Chapter 18.15 – SIGNS; Chapter 18.17 SUPPLEMENTAL DEVELOPMENT STANDARDS; Chapter 18.19 DESIGN REVIEW; Chapter 18.23 PLANNED RESIDENTIAL DEVELOPMENT (PRD); Chapter 18.25 – ROWHOUSES; Chapter 18.26 FLEXIBLE DEVELOPMENT; Chapter 18.27 ACCESSORY DWELLING UNITS; Chapter 18.31 SENSITIVE AREAS AND OPEN SPACE; Chapter 18.32 PARK ZONING; Chapter 18.35 TELECOMMUNICATION ORDINANCE; Chapter 18.39 HOME OCCUPATIONS; Chapter 18.45 – VARIANCES; Chapter 18.49 UNCLASSIFIED USE PERMITS; and Chapter 18.55 ADMINISTRATION AND PROCEDURES.

In brief, the amendments within Title 18 include similar corrections as proposed within the previous titles, by adding references to Chapter 18.03 Definitions, and updating citations to the shoreline program. Within Chapter 18.03, the definition of “Adult family homes” has been amended and definitions for “electric vehicles” were added, in compliance with state laws. The definition for “motel” was deleted given that it was outdated in part and duplicative as there is also a definition for “hotel”. The Use Authorization table at Chapter 18.07, combines the terms as “Hotel, motel”, not differentiated.

Park Zoning was added to the city’s code in 2012 by Ordinance #2667. However, the title at Section 18.07.040 was inadvertently missing when the ordinance was adopted. Also, through this first year of implementation, it became evident that the phrase “*city-owned parks*” was too limiting, when the intention was to include open spaces and other park lands that are held in the public’s trust.

Chapter 18.35 Telecommunication Ordinance is internally inconsistent and contains contradictory regulations, which have been challenged. The proposed amendments better reflect staff’s functional understanding of the chapter, and typical processing of permits.

The proposed amendments to Chapter 18.45 Variances, better distinguishes between the processing of a minor variance and a major variance, and criteria of approval for each type. For example, at Section 18.45.030, all variances must be referred to the Board of Adjustment or other hearings body, which contradicts the approval process for minor and major variances at 18.45.020.

Amending Chapter 18.49 Unclassified Use Permits was a specific item on the 2013 Community Development Work Program. After discussion at the public hearing on November 19, 2013, Planning Commission recommended repealing the entire chapter. Several reasons for this recommendation included discontinuing a relatively controversial process, and there is already direction provided in CMC in regard to uses not specifically listed. For example, if a specific land use is not listed in either use authorization table, then it is considered “prohibited” in accordance with CMC§18.07.020, “*A use listed in one table but not the other shall be considered a prohibited use in the latter.*” There is also a provision within Subsection “G”, which allows discretionary interpretation by staff. If Council supports the recommendation of the Planning Commission to

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\* Note: There are 33 chapters within Title 18 Zoning.



repeal Chapter 18.39 Unclassified Use Permits, then an amendment to CMC§18.07.020-*Interpretation of land use tables*, at subsection "G" would be necessary. The following suggestion is included with the other recommended amendments in Exhibit "A".

*"If a use is not listed under either Section 18.07.030 Table 1 or 18.07.040 Table 2, and is not an accessory or temporary use, then the use shall be ~~governed by Chapter 18.49 "Unclassified Use Permits," and other applicable requirements~~ subject to a zoning code text amendment, or whatever review process is deemed more applicable by the community development director head of the planning department."*

### ***Recommendation***

**That Council set a date for a public hearing in regard to the proposed amendments that are attached as Exhibit "A".**

# MINOR AMENDMENTS TO TITLES 16, 17 AND 18 OF THE CAMAS MUNICIPAL CODE

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**City Council || January 6, 2014**

The following pages are extracted from Camas Municipal Code, Titles 16, 17 and 18 (in part). Only the underlined text or strike-through text is intended to be amended. Any inadvertent text omissions or additions are to be disregarded and no action taken (if not underlined or struck-through).

Note: At a public hearing on November 19, 2013, Planning Commission recommended to repeal the entirety of **CMC Chapter 18.49** Unclassified Use Permits, in addition to staff proposed amendments herein.

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## Chapter 16.05 ADMINISTRATIVE PROVISIONS

### Sections:

- 16.05.010 Adoption by reference.
- 16.05.020 Additional definitions.
- 16.05.030 Responsible official designated.
- 16.05.040 Lead agency—Determination.
- 16.05.050 Lead agency—Transfer to state.
- 16.05.060 Time limit consideration.
- 16.05.070 Additional timing considerations.

### 16.05.010 Adoption by reference.

The city adopts the following sections of WAC Chapter 197-11 by reference:

197-11-040	Definitions.
197-11-050	Lead agency
197-11-055	Timing of the SEPA process.
197-11-060	Content of Environmental review.
197-11-070	Limitations on action during SEPA process.
197-11-080	Incomplete or unavailable information
197-11-090	Supporting documents.
197-11-100	Information required of applicants

(Ord. 2517 § 1 (Exh. A (part)), 2008)

### 16.05.020 Additional definitions.

In addition to those definitions contained within WAC 197-11-700 through 197-11-799, and CMC Chapter 18.03, when used in this chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

"Department" means any division, subdivision, or organizational unit of the city established by ordinance, rule, or order.

"Early notice" means the city's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated DNS procedures).

"Ordinance" means the ordinance, resolution, or other procedure used by the city to adopt regulatory requirements.

"SEPA rules" means WAC Chapter 197-11 adopted by the department of ecology.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

### 16.05.030 Responsible official designated.

- A. For those proposals for which the city is the lead agency, the responsible official shall be the community development director or designee.

- B. For all proposals for which the city is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required EIS, and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA rules that were adopted by reference in WAC 173-806-020.
- C. The city shall retain all documents required by the SEPA rules (WAC Chapter 197-11) and make them available in accordance with RCW Chapter 42.56.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

#### **16.05.040 Lead agency—Determination.**

- A. The department within the city receiving an application for or initiating a proposal that involves a nonexempt action shall determine the lead agency for that proposal under WAC 197-11-050 and WAC 197-11-922 through WAC 197-11-940; unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency.
- B. When the city is the lead agency for a proposal, the department receiving the application shall determine the responsible official who shall supervise compliance with the threshold determination requirements, and if an EIS is necessary, shall supervise preparation of the EIS.
- C. When the city is not the lead agency for a proposal, all departments of the city shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No city department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the city may conduct supplemental environmental review under WAC 197-11-600.
- D. If the city or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and resolved within fifteen days of receipt of the determination, or the city must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the fifteen-day time period. Any such petition on behalf of the city may be initiated by community development director.
- E. Departments of the city are authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944; provided, that the responsible official and any department that will incur responsibilities as the result of such agreement must approve the agreement.
- F. Any department making a lead agency determination for a private project shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal (that is: which agencies require nonexempt licenses).

(Ord. 2517 § 1 (Exh. A (part)), 2008)

#### **16.05.050 Lead agency—Transfer to state.**

For any proposal for a private project where the city would be the lead agency and for which one or more state agencies have jurisdiction, the city's responsible official may elect to transfer the lead agency duties to a state agency. The state agency with jurisdiction appearing first on the priority listing in WAC 197-11-936 shall be the lead agency and the city shall be an agency with jurisdiction. To transfer lead agency duties, the city's responsible official must transmit a notice of the transfer, together with any relevant information available on the proposal to the appropriate state agency with jurisdiction. The responsible official of the city shall also give notice of the transfer to the private applicant and any other agencies with jurisdiction over the proposal.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

#### **16.05.060 Time limit consideration.**

The following time limits (expressed in calendar days) shall apply when the city processes licenses for all private projects and those governmental proposals submitted to the city by other agencies:

- A. Categorical Exemptions. The city shall identify whether an action is categorically exempt within seven days of receiving a completed application.
- B. Threshold Determinations.
  - 1. The city should complete threshold determinations that can be based solely upon review of the environmental checklist for the proposal within fifteen days of the date an applicant's adequate application and completed checklist are submitted.
  - 2. When the responsible official requires further information from the applicant or consultation with other agencies with jurisdiction:
    - a. The city should request such further information within fifteen days of receiving an adequate application and completed environmental checklist;
    - b. The city shall wait no longer than thirty days for a consulted agency to respond;
    - c. The responsible official should complete the threshold determination within fifteen days of receiving the requested information from the applicant or the consulted agency.
  - 3. When the city must initiate further studies, including field investigations, to obtain the information to make the threshold determination, the city should complete the studies within thirty days of receiving an adequate application and a completed checklist.
  - 4. The city shall complete threshold determinations on actions where the applicant recommends in writing that an EIS be prepared, because of the probable significant adverse environmental impact(s) described in the application, within fifteen days of receiving an adequate application and completed checklist.

#### **16.05.070 Additional timing considerations.**

- A. For nonexempt proposals, the DNS or draft EIS for the proposal shall accompany the city's staff recommendation to any appropriate advisory body, such as the planning commission.
- B. If the city's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the city conduct environmental review prior to submission of the detailed plans and specifications.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

Title 16 - ENVIRONMENT\*  
- SEPA

Chapter 16.07 CATEGORICAL EXEMPTION AND THRESHOLD DETERMINATIONS

**Chapter 16.07 CATEGORICAL EXEMPTION AND THRESHOLD DETERMINATIONS**

**Sections:**

16.07.010 Purpose—Adoption provisions.

16.07.020 Flexible.

16.07.025 Environmentally sensitive areas.

16.07.030 Use.

16.07.040 Environmental checklist.

16.07.050 Mitigated determination.

**16.07.010 Purpose—Adoption provisions.**

This chapter contains the rules for deciding whether a proposal has a "probable significant, adverse environmental impact" requiring an environmental impact statement (EIS) to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. The city adopts the following sections of WAC Chapter 197-11 by reference, as supplemented in this chapter:

197-11-300	Purpose of this part.
197-11-305	Categorical exemptions.
197-11-310	Threshold determination required.
197-11-315	Environmental checklist.
197-11-330	Threshold determination process.
197-11-335	Additional information.
197-11-340	Determination of non-significance (DNS).
197-11-350	Mitigated DNS.
197-11-355	Optional DNS process.
197-11-360	Determination of significance (DS) initiation of scoping.
197-11-390	Effect of threshold determination.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.07.020 Flexible.**

- A. The city establishes the following exempt levels for minor new construction under WAC 197-11-800(1)(b) based on local conditions:
1. For residential dwelling units in WAC 197-11-800(1)(b)(i) (Note: Range four to twenty units): up to ten dwelling units;
  2. For agricultural structures in WAC 197-11-800(1)(b)(ii) (Note: Range ten thousand to thirty thousand square feet): up to thirty thousand square feet;
  3. For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800(1)(b)(iii) (Note: Range four thousand to twelve thousand square feet and twenty to forty parking spaces): up to twelve thousand square feet and up to forty parking spaces;

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4. For parking lots in WAC 197-11-800(1)(b)(iv) (Note: Range twenty to forty parking spaces): up to forty parking spaces;
  5. For landfills and excavations in WAC 197-11-800(1)(b)(v) (Note: Range one hundred to five hundred cubic yards): up to five hundred cubic yards.
- B. Whenever the city establishes new exempt levels under this section, it shall send them to the Department of Ecology, headquarters office, Olympia, Washington, under WAC 197-11-800(1)(c).  
(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.07.025 Environmentally sensitive areas.**

The city has adopted maps of certain areas within the city characterized as environmentally sensitive. These maps, which are incorporated by reference, shall be used to generally indicate the location of lands within the city characterized by steep slopes (fifteen percent or greater), potentially unstable soils, wetlands, and streams/watercourses. Lands containing such environmentally sensitive features, as determined by site investigation or studies, whether or not mapped, shall be subject to the provisions of this section. To the extent permitted by state law, the exemptions listed in CMC Section 16.07.020 and WAC 197-11-800 shall not apply within environmentally sensitive areas.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

(Ord. No. 2612, § I(Exh. A), 2-7-2011)

**16.07.030 Use.**

- A. Each department within the city that receives an application for a license or, in the case of governmental proposals, the department initiating the proposal, shall determine whether the license and/or the proposal is exempt. The department's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this title apply to the proposal. The city shall not require completion of an environmental checklist for an exempt proposal.
- B. In determining whether or not a proposal is exempt, the department shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the department shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.
- C. If a proposal includes both exempt and nonexempt actions, the city may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:
  1. The city shall not give authorization for:
    - a. Any nonexempt action,
    - b. Any action that would have an adverse environmental impact, or
    - c. Any action that would limit the choice of alternatives;
  2. A department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and
  3. A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.



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(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.07.040 Environmental checklist.**

- A. A completed environmental checklist (or a copy) in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this title; except, a checklist is not needed if the city and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The city shall use the environmental checklist to determine the lead agency and, if the city is the lead agency, for determining the responsible official, and for making the threshold determination.
- B. For private proposals, the city will require the applicant to complete the environmental checklist, providing assistance as necessary. For city proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.
- C. The city may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if either of the following occurs:
  - 1. The city has technical information on a question or questions that is unavailable to the private applicant; or
  - 2. The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.07.050 ~~Mitigated-Threshold~~ determination.**

- A. As provided in this section and in WAC 197-11-350, the responsible official may issue a determination of nonsignificance (DNS) based on conditions attached to the proposal by the responsible official, or on changes to, or clarifications of, the proposal made by the applicant.
- B. An applicant may request in writing early notice of whether a determination of significance (DS) is likely under WAC 197-11-350. The request must:
  - 1. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and
  - 2. Precede the city's actual threshold determination for the proposal.
- C. The responsible official should respond to the request for early notice within fifteen working days. The response shall:
  - 1. Be written;
  - 2. State whether the city currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that are leading the city to consider a DS; and
  - 3. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.
- D. As much as possible, the city should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

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- E. When an applicant submits a changed or clarified proposal, along with a revised environmental checklist, the city shall base its threshold determination on the changed or clarified proposal and should make the determination within fifteen days of receiving the changed or clarified proposal:
  - 1. If the city indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the city shall issue and circulate a determination of nonsignificance under WAC 197-11-340(2).
  - 2. If the city indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the city shall make the threshold determination, issuing a DNS or DS as appropriate.
  - 3. The applicant's proposed mitigation measures (clarifications, changes, or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct two hundred feet stormwater retention pond at Y location" are adequate.
  - 4. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies, or other documents.
- F. A mitigated DNS is issued under WAC 197-11-340(2), requiring a fifteen-day consent period and public notice.
- G. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the city.
- H. If the city's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the city should evaluate the threshold determination to assure consistency with WAC 197-11-340(3)(a) (withdrawal of DNS).
- I. The city's written response under subsection B of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the city to consider the clarifications or changes in its threshold determination.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

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Chapter 16.13 SEPA AND AGENCY DECISIONS AND APPEALS

**Chapter 16.13 SEPA AND AGENCY DECISIONS AND APPEALS**

**Sections:**

16.13.010 Purpose—Adoption by reference.

16.13.020 Policies.

16.13.030 Conditions.

16.13.040 Denial.

16.13.050 Adopted policies.

16.13.060 Appeal.

**16.13.010 Purpose—Adoption by reference.**

This chapter contains rules (and policies) for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This chapter also contains procedures for appealing SEPA determinations to agencies or the courts. The city adopts the following sections of WAC Chapter 197-11 by reference:

197-11-650	Purpose of this part.
197-11-655	Implementation.
197-11-660	Substantive authority and mitigation.
197-11-680	Appeals.
197-11-700	Definitions.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.13.020 Policies.**

The policies and goals set forth in this title are supplementary to those in the existing authorization of the city.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.13.030 Conditions.**

The city may attach conditions to a permit or approval for a proposal so long as:

- A. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this title; and
- B. Such conditions are in writing; and
- C. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
- D. The city has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and

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- E. Such conditions are based on one or more policies in Section 16.13.050 of this chapter, and cited in the license or other decision document.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.13.040 Denial.**

The city may deny a permit or approval for a proposal on the basis of SEPA so long as:

- A. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a final EIS or final supplemental EIS prepared pursuant to this title; and
- B. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and
- C. The denial is based on one or more policies identified in Section 16.13.050 of this chapter and identified in writing in the decision document.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.13.050 Adopted policies.**

The city designates and adopts by reference the following policies as the basis for the city's exercise of authority pursuant to Sections 16.13.020 through 16.13.060:

- A. The city shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:
  - 1. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
  - 2. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
  - 3. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
  - 4. Preserve important historic, cultural, and natural aspects of our national heritage;
  - 5. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
  - 6. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
  - 7. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.
- B. The city recognizes that each person has a fundamental and inalienable right to a healthful environment, and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

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**16.13.060 Appeal.**

Except for permits and variances issued pursuant to ~~Chapter 18.88 of the city code (chapter relating to shoreline management)~~ the Camas Shoreline Master Program, when any proposal or action not requiring a decision of the city council is conditioned or denied on the basis of SEPA by a nonelected official, the decision shall be appealable to the city council. Such appeal may be perfected by the proponent or any aggrieved party by giving notice to the responsible official within ten days of the decision being appealed. Review by the city council shall be on a de novo basis.

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Chapter 16.31 - ARCHAEOLOGICAL RESOURCE PRESERVATION

Chapter 16.33 - PUBLIC VIEW, OPEN SPACE PROTECTION AND HISTORIC SITES AND STRUCTURES

Chapter 16.35 - HISTORIC PRESERVATION

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Chapter 16.31 ARCHAEOLOGICAL RESOURCE PRESERVATION

**Chapter 16.31 ARCHAEOLOGICAL RESOURCE PRESERVATION**

**Sections:**

- 16.31.010 Purpose.
- 16.31.020 Definitions.
- 16.31.030 Coordination.
- 16.31.040 Recording.
- 16.31.050 Permit required.
- 16.31.060 Applicability.
- 16.31.070 Predetermination required.
- 16.31.080 Predetermination standards.
- 16.31.090 Predetermination reports.
- 16.31.100 Review of predetermination reports and further action.
- 16.31.110 Archaeological resource survey required.
- 16.31.120 Survey standards.
- 16.31.130 Survey reports.
- 16.31.140 Review of survey reports and further action.
- 16.31.150 Discovery principle.
- 16.31.160 Notification to tribes.
- 16.31.170 Enforcement.

**16.31.010 Purpose.**

The purposes of this chapter are to:

- A. Encourage the identification and preservation of cultural, archaeological, and historic resources consistent with the Growth Management Act of 1990, as amended, and Camas' comprehensive plan;
- B. Establish clear procedures and specific standards for identifying, documenting and preserving Camas' cultural, archaeological and historic resources;
- C. Ensure use of the best available technology and techniques commonly accepted as standards in the profession of archaeology;
- D. Establish a fair and equitable process for balancing the identification and preservation of cultural, archaeological, and historic resources with economic development;
- E. Ensure coordination and consistency in the implementation of the State Environmental Policy Act, the Shoreline Management Act and the Growth Management Act.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

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**16.31.020 Definitions.**

In ~~addition to those definitions listed in CMC Chapter 18.09~~ carrying out the provisions of this chapter, the following definitions shall apply to this chapter:

"Adequately surveyed and documented" means that: (1) the survey method, level of analysis, and area covered are sufficient to meet the requirements of this chapter; and (2) the documentation is sufficient to allow another archaeologist to repeat the survey and reach the same conclusion. Adequacy shall be determined by the director.

"Archaeological object" means an object that comprises the physical evidence of an indigenous and subsequent culture, including material remains of past human life, including monuments, symbols, tools, facilities and technological by-products (WAC 25-48-020(8)).

"Archaeological resource survey" means procedure by which an archaeologist makes an assessment of the presence or absence of an archaeological site on a parcel, a preliminary assessment of a site's significance, and a recommendation for further evaluation, avoidance, mitigation, or recovery of resources.

"Archaeological resources" means any material remains of human life or activities which are of archaeological interest. This shall include all sites, objects, structures, artifacts, implements, and locations of prehistoric or archaeological interest, whether previously recorded or still unrecognized, including, but not limited to, those pertaining to prehistoric and historic American Indian or aboriginal burials, campsites, dwellings, and their habitation sites, including rock shelters and caves, their artifacts and implements of culture such as projectile points, arrowheads, skeletal remains, grave goods, basketry, pestles, mauls, and grinding stones, knives, scrapers, rock carvings and paintings, and other implements and artifacts of any material (WAC 25-48-020(10)). This shall also include any material remains of human life or activities from historic periods which are located at least partially below the ground surface necessitating the use of archaeological methods for study or recovery.

"Archaeological site" means a geographic locality in Washington, including but not limited to, submerged and submersible lands, and the bed of the sea within the state's jurisdiction, that contains archaeological objects (WAC 25-48-020(9)).

"Archaeologist" means either a qualified archaeologist (RCW 27.53.030(9)) or a professional archaeologist (RCW 27.53.030(8) and WAC 25-48-020(4)) who has been approved by the city. Both qualified archaeologists and professional archaeologists may perform predeterminations and surveys. Only professional archaeologists may perform services such as evaluation and data recovery for which a state permit is needed.

"DAHP" means the Washington State Department of Archaeology and Historic Preservation.

"Department" means the community development department.

"Director" means the director of the community development department or designee.

"Feature" means an artifact or set of artifacts which loses its integrity when moved due to its size and complexity (e.g., a hearth or a house floor).

"Known, recorded archaeological site" means an archaeological site which has been recorded with DAHP.

"Of archaeological interest" means capable of providing scientific or humanistic understandings of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques such as controlled observation, contextual measurement, controlled collection, analysis, interpretation, and explanation (WAC 25-48-020(12)).

"Predetermination" means a procedure similar to, but of less intensity than an archaeological resource survey. Its purpose is to determine whether an archaeological site is likely to be present or



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absent on a parcel, and based on that determination recommend whether or not to proceed with an archaeological resource survey.

"Probability level" means account classification of property according to the probability of its having archaeological resources. The probability levels are low (zero to twenty percent), low-moderate (twenty to forty percent), moderate (forty to sixty percent), moderate-high (sixty to eighty percent), and high (eighty to one hundred percent). The probability levels assigned to property within the urban growth boundary of the city are identified in that map entitled "City of Camas Archaeological Probability, July 21, 2006."

"Significant archaeological site" means an archaeological site which has been determined by a professional archaeologist to contain: (1) archaeological objects at a density of at least one hundred per cubic meter per stratigraphic or cultural unit; or (2) at least one feature; or (3) at least one relatively uncommon archaeological object; or (4) skeletal remains.

"Survey" means archaeological resource survey.

"Tribes" means any federally recognized or other local Native American government organization which may consider the site to be of historic or cultural significance.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.31.030 Coordination.**

- A. General. Where the provisions of this chapter conflict with each other or with other laws, ordinances or programs, the more restrictive provisions shall apply.
- B. SMA. The provisions of this chapter shall apply throughout Camas, including areas regulated by ~~Camas' shoreline management m~~the Shoreline Management Act (SMA) and the Camas Shoreline Master programProgram.
- C. SEPA. The regulations of the State Environmental Policy Act (SEPA) shall supplement the provisions of this chapter.
- D. Development Review. For projects subject to Title 18, Chapter 18.55 of the Camas Municipal Code, a determination that an application is complete shall not be made until any required predetermination has been completed and a predetermination report has been submitted.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.31.040 Recording.**

Any archaeological site identified pursuant to the provisions of this chapter shall be recorded with DAHP.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.31.050 Permit required.**

A permit from DAHP shall be secured prior to digging, altering, excavating, and/or removing archaeological objects and sites or historic archaeological resources, or proposing to remove glyptic or painted records of tribes or peoples, or archaeological resources from native Indian cairns or graves (WAC 25-48-050).

(Ord. 2517 § 1 (Exh. A (part)), 2008)

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**16.31.060 Applicability.**

- A. The provisions of this chapter shall apply:
1. When any item of archaeological interest is discovered during the course of a permitted ground-disturbing action or activity (Section 16.31.150);
  2. When the director determines that reliable information indicates the possible existence of an archaeological site on a parcel for which an application for a permit or approval for a ground-disturbing action or activity has been submitted.
- B. The provisions of this chapter shall apply, except as provided in this section and in subsection C of this section, to all ground-disturbing actions or activities for which a permit or approval is required:
1. On all parcels in probability level high;
  2. On parcels of at least five acres in probability levels moderate-high and moderate;
  3. Regardless of parcel size or probability level, when proposed within one-fourth mile of a known, recorded archaeological site as measured on a horizontal plane extending in all directions. Such an action or activity may be exempted by the director, when appropriate, during the predetermination process due to the effects of a geographic barrier (Section 16.31.070(F)).
- C. The following shall not trigger or shall be exempted from the provisions of this chapter:
1. Accessory dwelling units;
  2. Land use permits issued under clear and objective standards, such as those for fences, sheds, decks, patios or driveways;
  3. Sign permits;
  4. Conditional use permits for a change in use only, not involving ground disturbance for structural modification;
  5. Zoning variance approvals;
  6. Ground-disturbing actions or activities which constitute normal maintenance and repair of existing structures and facilities; or
  7. Ground-disturbing actions or activities proposed in areas which the director determines to have been adequately surveyed and documented (as defined in Section 16.31.020) in the past and within which no archaeological resources have been discovered.
- D. When more than one probability level traverses a parcel, the entire parcel shall be considered to be within the level with the greatest probability rating.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.31.070 Predetermination required.**

- A. A predetermination shall be required for any nonexempt ground-disturbing action or activity for which a permit or approval is required within probability level high.
- B. A predetermination shall be required for any nonexempt ground-disturbing action or activity for which a permit or approval is required and which is located on a parcel of at least five acres within probability levels moderate-high and moderate.
- C. A predetermination shall be required for all nonexempt ground-disturbing actions or activities for which a permit or approval is required which are proposed within one-fourth mile of a known, recorded archaeological site.

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- D. A predetermination shall be required when the director determines that reliable information indicates the possible existence of an archaeological site on a parcel for which an application for a permit or approval for a ground-disturbing action or activity has been submitted.
- E. A predetermination shall be required when any item of archaeological interest is discovered during the course of a permitted ground-disturbing action or activity.
- F. During the predetermination process, the director will determine whether a ground-disturbing action or activity is exempt under Section 16.31.060(B)(3) or 16.31.060(C)(7) of this chapter. In the event that the director is able to make such a determination of exemption based solely upon background research (Section 16.31.080(C)), the city shall reduce the applicant's total fee obligation for the project by one-half of the predetermination fee.
- G. A predetermination shall not be performed when a survey is required under Section 16.31.110 of this chapter.
- H. The director may waive the requirement for a predetermination if the applicant chooses to provide a survey in accordance with Sections 16.31.110 and 16.31.130 of this chapter.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.31.080 Predetermination standards.**

Predeterminations shall include at a minimum the following elements and be carried out according to the following standards:

- A. Predeterminations shall be performed by a qualified or professional archaeologist.
- B. Predeterminations shall be performed to the high standard of quality which fulfills the purposes of this chapter.
- C. Background Research. A thorough review of records, documentation, maps, and other pertinent literature shall be performed.
- D. Surface Inspection. A visual inspection of the ground surface shall be completed when conditions yield at least fifty percent visibility.
- E. Subsurface Investigation. Subsurface investigation shall be performed when considered necessary by the archaeologist. When necessary, the following standards shall apply:
  - 1. Subsurface probes shall be no less than eight inches/twenty centimeters in diameter (twelve inches/thirty centimeters or more preferred) at the ground surface, and shall delve no less than twenty inches/fifty centimeters deep into natural soil deposits whenever possible.
  - 2. The most appropriate number of and locations for subsurface probes shall be determined by the archaeologist.
  - 3. All material excavated by subsurface probes shall be screened using both one-fourth inch and one-eighth inch hardware mesh cloths.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.31.090 Predetermination reports.**

A report shall be completed for each predetermination to the high standard of quality which fulfills the purposes of this chapter and standardized guidelines furnished by the department. A completed report shall be submitted to DAHP as well as the city.

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(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.31.100 Review of predetermination reports and further action.**

- A. Predetermination reports shall be reviewed by the director.
- B. When the director determines that a predetermination report is complete and adequate, the director shall, based upon the information contained in the report, determine whether an archaeological site is likely to exist.
- C. Where the director determines that an archaeological site is not likely to exist, the application may proceed through the remainder of the development review process.
- D. Where the director determines that an archaeological site is likely to exist, an archaeological resource survey shall be required and carried out in accordance with the provisions of this chapter.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.31.110 Archaeological resource survey required.**

A survey shall be required when the results of a predetermination indicate further investigation is necessary and either:

- A. No previous survey has been done; or
- B. A previous survey or documentation is determined by the director to be inadequate.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.31.120 Survey standards.**

Surveys shall include at a minimum the following elements and be carried out according to the following standards:

- A. Surveys shall be performed by a professional archaeologist.
- B. Surveys shall be performed to the high standard of quality which fulfills the purposes of this chapter.
- C. Background Research. A thorough review of records, documentation, and other pertinent literature shall be performed.
- D. Surface Inspection. A systematic, one hundred percent visual inspection of the ground surface shall be completed when conditions yield at least fifty percent visibility.
- E. Subsurface Investigation. Subsurface investigation shall be performed when considered necessary by the archaeologist, utilizing the same standards set forth within CMC Section 16.31.080(E).

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.31.130 Survey reports.**

A report shall be completed for each survey in accordance with state guidelines and to the high standard of quality which fulfills the purposes of this chapter. A completed report shall be submitted to DAHP as well as the city.

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(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.31.140 Review of survey reports and further action.**

- A. Survey reports shall be reviewed by the director.
- B. When the director determines that a survey report is complete and adequate, the director shall, based upon the information contained in the report, determine whether an archaeological site has been identified.
- C. Where the director determines that no archaeological site has been identified, the application may proceed through the remainder of the development review process.
- D. Where the director determines that an archaeological site has been identified and is not likely to be significant, the application may proceed through the remainder of the development review process.
- E. Where the director determines that an archaeological site has been identified and is likely to be significant, archaeological resources shall be further evaluated, avoided, properly mitigated, or properly recovered in accordance with the director's recommendation and subject to state regulations. Priority for protection in-place and thorough evaluation and data recovery shall be given to significant archaeological sites. Bonding may be required to ensure that the site is treated in accordance with the director's recommendation and provisions of the state permit. Monitoring and future corrective measures may be required to ensure that an archaeological site is not degraded by a permitted development.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.31.150 Discovery principle.**

In the event that any item of archaeological interest is uncovered during the course of a permitted ground-disturbing action or activity:

- A. All ground-disturbing activity shall immediately cease.
- B. The applicant shall notify the department and DAHP.
- C. The applicant shall provide for a predetermination and a predetermination report prepared in accordance with the provisions of this chapter. The director shall review the report and issue a determination in accordance with Section 16.31.100 of this chapter in a reasonably diligent manner, taking into account all pertinent factors and conditions (within seven calendar days whenever feasible). Where such determination is that an archaeological site is not likely to exist, construction may continue. Where such determination is that an archaeological site is likely to exist, the applicant shall provide a survey and survey report. The director shall produce a map of the parcel indicating clearly the portion(s) of the parcel, if any, within which construction may continue under the supervision of an archaeologist and monitoring by the director while the required survey is being completed. The provisions of this section shall apply.
- D. In the event any archaeological or historic materials are encountered during project activity, work in the immediate area (initially allowing for a one hundred-foot buffer; this number may vary by circumstance) must stop and the following actions taken:
  - 1. Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering; and
  - 2. Take reasonable steps to ensure the confidentiality of the discovery site; and
  - 3. Take reasonable steps to restrict access to the site of discovery.

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The project proponent will notify the concerned tribes and all appropriate city, county, state, and federal agencies, including the Washington State Department of Archaeology and Historical Preservation. The agencies and tribe(s) will discuss possible measures to remove or avoid cultural material, and will reach an agreement with the project proponent regarding action to be taken and disposition of material.

If human remains are uncovered, appropriate law enforcement agencies shall be notified first, and the above steps followed. If the remains are determined to be native, consultation with the affected tribes will take place in order to mitigate the final disposition of said remains.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

(Ord. No. 2612, § 1(Exh. A), 2-7-2011)

**16.31.160 Notification to tribes.**

Whenever a predetermination or survey is required, the applicant shall provide the tribes with a copy of the application and all supporting materials by certified mail, return receipt requested, and shall provide proof of compliance with this requirement to the director. Comments from the tribes shall be accepted by the director until five p.m. on the fourteenth day from the date notification was mailed to the tribes. Should the fourteenth day fall on a nonbusiness day, the comment period shall be extended until five p.m. on the next business day.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.31.170 Enforcement.**

The provisions of this chapter shall be enforced in accordance with the provisions of CMC Chapter 18.55 of this code.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

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**Chapter 16.35 HISTORIC PRESERVATION**

**Sections:**

- 16.35.010 Purpose.
- 16.35.020 Applicability.
- 16.35.030 Definitions.
- 16.35.040 Clark County historic preservation commission.
- 16.35.050 National Register of Historic Places.
- 16.35.060 Clark County heritage register.
- 16.35.070 Review of changes to Clark County heritage register property(ies)—Design review.
- 16.35.080 Relationship to zoning.
- 16.35.090 Review and monitoring of property(ies) for special property tax valuation.
- 16.35.100 Clark County cultural resources inventory.
- 16.35.110 Violations and enforcement.

**16.35.010 Purpose.**

The purpose of this chapter is to provide for the identification, evaluation and protection of cultural and historic resources in the city and to encourage the preservation, restoration and rehabilitation of these resources for future generations in order to:

- A. Safeguard the heritage of Camas as represented by those buildings, districts, objects, sites and structures which reflect significant elements of the city's history;
- B. Increase recognition of Camas' cultural and historic resources;
- C. Foster a sense of identity based upon the city's history;
- D. Assist, encourage and provide incentives to property owners for preservation, restoration and reuse of significant buildings, districts, objects, sites and structures; and
- E. Promote and facilitate the early identification and resolution of conflicts between preservation of cultural and historic resources and alternative land uses.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.35.020 Applicability.**

This chapter applies to:

- A. Property(ies) within the city listed or eligible to be listed on any historic or cultural resource inventory for Clark County;
- B. Property(ies) within the city listed or eligible to be listed on the National Register of Historic Places, Washington State Heritage Register, Clark County Heritage Register or other local register for Clark County.

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**16.35.030 Definitions.**

In addition to those definitions listed in CMC Chapter 18.03, the following words and terms when used in this chapter shall mean as follows, unless a different meaning clearly appears from the context:

"Board" shall refer to the Clark County board of commissioners, except where reference is made to the "local review board" for purposes of the special valuation tax incentive program.

"Clark County cultural resources inventory" or "inventory" means a comprehensive inventory of historic resources within the boundaries of Clark County including resources identified in the Clark County cultural resources inventory and other inventories by local jurisdictions within Clark County.

"Commission" means the "Clark County historic preservation commission."

"Contributing" means a property which dates to the historic period and retains sufficient physical integrity so as to convey its historic character.

"Cultural resources" consist of historic or prehistoric or archaeological sites and standing structures, cemeteries, burial grounds and funerary objects and distributions of cultural remains and artifacts.

"Emergency repair" means work necessary to prevent destruction or dilapidation to real property or structural appurtenances thereto immediately threatened or damaged by fire, flood, earthquake or other disaster.

"Historic district" is a geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development.

"National Register of Historic Places" means the national listing of properties significant to our cultural history because of their documented importance to our history, architectural history, engineering or cultural heritage.

"Noncontributing" means a property which either does not date to the historic period or has not retained sufficient physical integrity so as to convey its historic character.

"Ordinary repair and maintenance" means work for which a permit issued by the city is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structure appurtenance therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay or damage.

"Qualified archaeologist" means a person who has had formal training and/or experience in archaeology over a period of at least three years, and has been certified in writing to be a qualified archaeologist by two professional archaeologists, as defined in RCW 27.53.030.

"Significance" shall refer to a quality of a property which helps one understand the history of the local area, state, or nation by illuminating the local, statewide or nationwide impact of the events or persons associated with the property, or its architectural type or style in information potential. The local area may be as large as Clark County or Southwest Washington, or as small as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to one or more localities; state significance to a theme important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.

"Special valuation tax incentive program" or "special valuation" means the local option program makes available to property owners a special tax valuation for rehabilitation of historic property(ies) under which the assessed value of an eligible historic property is determined at a rate that excludes, for up to ten years, the actual cost of the rehabilitation.



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"Washington Heritage Register" means the state listing of properties significant to the community, state or nation but which do not meet the criteria of the National Register of Historic Places.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.35.040 Clark County historic preservation commission.**

- A. Authority. The Clark County historic preservation commission shall serve as the review authority on matters of historic preservation as outlined in subsection C of this section for properties within the city of Camas.
- B. Composition of the Commission. Appointments to the commission shall be made by the Clark County board of commissioners. All members shall be selected based on the professional or demonstrated expertise criteria (CCC Section 18.328.040(B)), rather than by geographic distribution.
- C. Powers and Duties. The major responsibilities of the commission are to identify and actively encourage the conservation of the county's historic and cultural resources by initiating and maintaining a register of historic places and reviewing proposed changes to register property(ies); to raise community awareness of the county's historic and cultural resources; and to serve as the county's primary resource in matters of historic preservation. In carrying out these responsibilities, the commission shall engage in the following activities:
  - 1. Maintain a comprehensive inventory of historic and cultural resources within the boundaries of the city of Camas to be included in the Clark County cultural resources inventory; publicize and periodically update inventory results;
  - 2. Maintain the Clark County heritage register. This official register shall be comprised of buildings, structures, sites, objects and districts identified by the commission as having historic significance worthy of recognition by the county and encouragement of efforts by owners to maintain, rehabilitate and preserve properties;
  - 3. Review nominations to the Clark County heritage register and National Register of Historic Places according to criteria in Sections 16.31.050 and 16.31.060 of this title. Make designations to the Clark County heritage register;
  - 4. Review proposals as required in Section 16.35.060(B) and (C) for historic districts on the Clark County heritage or National Registers;
  - 5. Submit nominations to the Washington State Heritage Register and National Register of Historic Places;
  - 6. Provide for comment by the commission on all applications for approvals, permits, environmental assessments or impact statements, and other similar documents pertaining to identified historic or cultural resources or adjacent property(ies) upon staff request;
  - 7. Provide information, comment and support to the public and agencies on matters related to historic preservation;
  - 8. Encourage recognition of noteworthy efforts in the rehabilitation or maintenance of historic buildings, structures, sites and districts, and new construction in historic areas;
  - 9. Serve as the local review board for special valuation pursuant to RCW 84.26.
- D. Rules and Officers.
  - 1. The commission shall establish and adopt its rules and procedures not inconsistent with this chapter.

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2. The commission shall select from among its membership a chairperson and vice chair to conduct the commission's business.
- E. Commission Staff. Staff for the commission shall be provided by the Clark County department of community development with additional assistance and information to be provided by other county or city departments as may be necessary to aid the commission in carrying out its duties and responsibilities under this chapter.
- F. Interlocal Agreement Required. An interlocal agreement shall be established between the city and Clark County implementing the provisions of this chapter.  
(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.35.050 National Register of Historic Places.**

- A. Nominations to the National Register of Historic Places shall be reviewed as established in the Code of Federal Regulations (36CFR60).
- B. The commission shall hold a duly advertised public hearing at a regularly scheduled meeting at which the applicable criteria are reviewed and a recommendation forwarded to the State Department of Archaeology and Historic Preservation (DAHP) within sixty days of the date of application. The OAHF shall complete the designation process and notify the applicant of the designation decision.  
(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.35.060 Clark County heritage register.**

- A. Criteria for Determining Eligibility for Designation in the Register. Any building, structure, site, object or district may be designated for inclusion in the Clark County heritage register if it:
  1. Has integrity of location, design, setting, materials, workmanship, feeling and association; and
  2. Is at least fifty years old, or is of lesser age and has exceptional importance; and
  3. Is significantly associated with the history, architecture, archaeology, engineering or cultural heritage of the community; and
  4. Meets at least one of the following criteria:
    - a. Is associated with events that have made a significant contribution to the broad patterns of national, state or local history; or
    - b. Embodies the distinctive architectural characteristics of a type, period, style or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction; or
    - c. Is an outstanding work of a designer, builder or architect who has made a substantial contribution to their field; or
    - d. Exemplifies or reflects special elements of the county's history; or
    - e. Is associated with the lives of persons significant in national, state or local history; or
    - f. Has yielded or may be likely to yield important archaeological information related to history or prehistory; or
    - g. Is an historic building or cultural resource removed from its original location but which is significant for architectural value, or association with an historic person or event, or prehistory; or

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- h. Is a birthplace or grave of a prehistoric or historical figure of outstanding importance and is the only surviving structure or site associated with that person; or
  - i. Is a cemetery or burial site which derives its primary significance from age, from distinctive design features, or from association with historic events, or cultural patterns; or
  - j. Is a reconstructed building that has been executed in an historically accurate manner on the original site; or
  - k. Is a creative and unique example of folk architecture and design created by persons not formally trained in the architectural or design professions, and which does not fit into formal architectural or historical categories.
- B. Nominating, Designating and Listing Property(ies) or Districts to the Clark County Heritage Register.
- 1. Any person may nominate a building, structure, site, object, or district for inclusion in the Clark County heritage register. The owner must consent to placement of the nominated resource prior to consideration for designation by the commission. In its designation decision, the commission shall consider the Clark County cultural resources inventory and the Camas urban area comprehensive plan.
  - 2. The commission shall consider the merits of the nomination, according to the criteria in subsection A of this section and according to the nomination review standards established in its rules and procedures, at a public hearing. Adequate notice will be given to the public, the owner(s) and the author(s) of the nomination, if different, and lessees, if any, of the subject property prior to the public meeting according to standards for public meetings established in rules and in compliance with RCW 42.30, Open Public Meetings Act. Such notice shall include publication in a newspaper of general circulation in Clark County and posting of the property per CCC Section 18.600.080. If the commission finds that the nominated property is eligible for the Clark County heritage register, the commission shall list the property in the register with the owner's consent.
  - 3. In the case of individual property(ies), the designation shall include all exterior features, interior features, and outbuildings which directly contribute to the significance of the historic or architectural character.
  - 4. In the case of districts, the designation shall include description of the boundaries of the district; the characteristics of the district which justifies its designation; and a list of all property(ies) including features, structures, sites and objects which contribute to the designation of the district.
  - 5. The public, property owner(s) and author(s) of the nomination, if different, and lessees, if any, shall be notified of the listing by mailed notice.
- C. Designating Historic Districts.
- 1. Historic districts may be identified and nominations made in conformance with the criteria in this chapter. A simple majority of property owners within the proposed historic district must consent, in writing, to nomination of properties prior to designation. Design guidelines shall be adopted as an integral part of each historic district designation.
  - 2. Commission staff together with city staff shall:
    - a. Review the proposal for land use impacts, consistent with the comprehensive plan, neighborhood action plan, and other related plans and codes. The designation of a historic district should not have the effect of significantly hampering redevelopment in commercial areas. Staff shall submit its analysis of these issues to the commission;

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- b. Draft design guidelines for the proposed historic district and submit them to the commission.
  3. The commission shall hold a duly advertised public hearing to review the proposal. It shall make findings concerning the proposed district's historic significance; the appropriate boundaries of such a district; land use impacts, consistency and compatibility issues; and appropriate design guidelines. Contributing structures and features as well as noncontributing structures shall be identified. The commission shall issue a final determination designating the historic district or denying the proposal following the public hearing.
  4. Designated historic districts shall be recorded on the official zoning maps of the city and the county.
  5. A decision of the commission designating a building, structure, site, object or district or denying such a proposal may be appealed to the city council.
- D. Removal of Property(ies) or Historic Districts from the Clark County Heritage Register.
1. A property owner may request a review of a property for possible removal from the Clark County heritage register. A written request may be submitted to the commission and considered at a public meeting. However, there is no automatic right to have a property removed from the register.
  2. In the event that any property or historic district no longer meets the criteria for designation to the Clark County heritage register, the commission may initiate removal from such designation by the same procedure as provided for in establishing the designation, except that a property or historic district may be removed from the Clark County heritage register without owner consent. The decision to remove a property or district from the Clark County heritage register may be appealed to the city council.
- E. Effects of Designation and Listing on the Register.
1. Designation and listing on the Clark County heritage register is an honorary designation denoting significant association with the historic, architectural, archaeological, engineering or cultural heritage of the community. Property(ies) is(are) listed individually or as contributing property(ies) to an historic district.
  2. Prior to the commencement of any work associated with the significant features as defined in the designation of the register property or historic district, excluding ordinary repair, maintenance and emergency measures defined in Section 16.35.070, the owner must request and receive a certificate of appropriateness from the commission for the proposed work.
  3. Prior to whole or partial demolition of a register property or historic district, the owner must request and receive a waiver of a certificate of appropriateness.
  4. After demolition of a structure the commission may initiate removal of the property from the Clark County heritage register.
  5. While Clark County is certified as certified local government (CLG), all properties and historic districts designated on the Clark County heritage register and the National Register of Historic Places may be eligible for a special tax valuation on their rehabilitation pursuant to CMC Section 16.07.090.
- F. Recording Designations and Listings. All properties which are designated and listed on the Clark County heritage register shall have a copy of the listing recorded with the county auditor's office. A copy of the designation and listing letter for recording shall be forwarded to the auditor's office by commission staff.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

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**16.35.070 Review of changes to Clark County heritage register property(ies)—Design review.**

- A. Review Required. No person shall construct any new building or structure, or reconstruct, alter, restore, remodel, repair, move, demolish or make any material change affecting significant historic features as listed in the designation application to any existing property on the Clark County heritage register or within an historic district on the Clark County heritage register, whether the property is contributing or noncontributing, without review by the commission and without receipt of a certificate of appropriateness, or in the case of demolition, a waiver of certificate of appropriateness, as a result of the review.
1. For individual or contributing properties, the review shall apply to all features of the property, interior and exterior, that contribute to its designation and are listed on the designation.
  2. For noncontributing properties, the review shall apply to exterior changes. The purpose of the review in this case is to ensure that the proposed changes do not further detract from the property's compatibility with the historic district, and to encourage changes which would enhance its compatibility with the historic district.
  3. For new construction or redevelopment, the review shall apply to the exterior of the structure(s). The purpose of the review is to ensure that the exterior design of the proposed structure enhances the historic district through conformance with the adopted design guidelines.

This requirement shall apply whether or not the proposed alteration also requires a building or other permit, except as noted under subsection B of this section. Information required by the commission to review the proposed changes are established in its rules and procedures. A pre-application conference is recommended but must be requested by the applicant.

- B. Exemptions. The following activities do not require a certificate of appropriateness or review by the commission:
1. Ordinary repair and maintenance activities, including painting and emergency measures as defined in Section 16.35.030, which do not affect significant historic features;
  2. Ordinary repairs and maintenance which do not alter the appearance of a significant feature and do not utilize substitute materials do not require a certificate of appropriateness;
  3. If there are no interior features of significance, repairs to or replacement of utility systems do not require a certificate of appropriateness if such work does not alter a significant feature.
- C. Review Process.
1. Requests for Review and Issuance of a Certificate of Appropriateness or Waiver. The building or zoning official shall report any application for a permit to work on a designated Clark County heritage register property or in a Clark County heritage historic district to the commission. If the activity is not exempt from review, the commission or staff shall notify the applicant of the review requirements. The building or zoning official shall not issue any such permit until a certificate of appropriateness or a waiver is received from the commission but shall work with the commission in considering building and fire code requirements.
  2. There shall be two types of reviews for issuance of a certificate of appropriateness:
    - a. An administrative review by commission staff for repairs and replacements-in-kind as listed below, but not limited to, the following:
      - i. Repairs (other than ordinary repair and maintenance) using the same materials and design as the original,
      - ii. Re-roofing using the same type and color of material,

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- iii. Replacement of sidewalks and driveways using the same type and color of materials,
    - iv. Replacement of foundations or major portions thereof, using the same type and color of materials,
    - v. Replacement of utility systems if contributing interior features of significance are present,
    - vi. Structural or seismic upgrades which do not alter or affect significant features.
  - b. A public hearing review by the commission for alterations in appearance, replacement of historic materials, new construction or additions, or demolition or removal of a Clark County heritage register building or cultural resource. Demolition of structures or facilities with recognized historical significance is also subject to the State Environmental Policy Act.
3. When a certificate of appropriateness is required, the following procedures shall govern according to the type of review required:
  - a. Applications requiring administrative review for certificates of appropriateness shall be reviewed by the commission staff.
  - b. Applications for the certificate shall be submitted to the commission staff on forms provided by the commission and must include a clear photograph or photographs of the building, object, site or structure, a brief description of the intended work, and samples of replacement material for comparison with the existing or the original building or structure.
  - c. Decision of the commission staff on the application shall be made within fifteen days from the date on which the commission staff receives a technically complete application.
  - d. The commission staff may, on his or her own motion, refer the application to the commission for a decision in accordance with the procedures set forth for a public hearing review. The time for a decision of the commission on the application shall run from the date that the application is referred to the commission by the staff.
  - e. Appeals from the decision of the commission staff regarding the issuance of a certificate of appropriateness under administrative review may be appealed to the commission (not the hearing examiner).
4. Public Hearing Review. Alterations in appearance, replacement of historic material (other than in-kind), new construction or additions. Alteration in the appearance of a significant contributing feature, the replacement of historic material (other than in-kind) in a significant feature, additions to a Clark County heritage register (CCHR) or new construction on a CCHR property or in an historic district, or any excavation on an archaeological site requires a public hearing review for a certificate of appropriateness. The owner or his/her agent (architect, contractor, lessee, etc.) shall apply to the commission for a review of proposed changes on a Clark County heritage register property or within a Clark County heritage register historic district and request a certificate of appropriateness or, in the case of demolition, a waiver. Each application for review of proposed changes shall be accompanied by information as required by the commission in its rules and procedures for the review of the proposed project. The commission staff shall meet with the applicant and review the proposed work according to the design review criteria established in rules. Notice of the design review shall be published in a newspaper of general circulation with the agenda for a public hearing and the property posted. The commission shall complete its review and make its recommendations decision within the timelines established in CCC Section 17.600.080, unless an extension of time is necessary. The commission's decision shall be in writing and shall state the findings of fact and reasons relied upon in reaching its decision. If the owner agrees to the commission's decision, a certificate of appropriateness shall be awarded by the commission according to standards established in its rules and procedures. The commission's recommendations and decision, and, if awarded, the certificate of

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appropriateness shall be transmitted to the building or zoning official. If a certificate of appropriateness is awarded, the building or zoning official may then issue the permit.

5. Demolition. A waiver of certificate of appropriateness is required before a permit may be issued to allow whole or partial demolition of a designated Clark County heritage register property or in a Clark County heritage register historic district. Demolition is subject to review under the State Environmental Policy Act.
  - a. The owner or his/her agent shall attend a pre-application conference with staff to review demolition or alternative plans.
  - b. After the pre-application conference, the owner or agent may apply to the commission for review of the proposed demolition and request a waiver of certificate of appropriateness through a public hearing. With the application, the applicant shall provide a bona fide list of alternatives to demolition (which includes, but is not limited to, economic analysis; offers to lease, sell or dedicate site to a private, public or nonprofit entity, and outcome of the offer; relocation of building, etc.)
  - c. Such review shall last no longer than forty-five days from the date of application, unless the commission finds that an extension of time is necessary. In no case shall the commission extend the review period beyond an additional forty-five days.
  - d. If no alternative to demolition is agreed upon, the commission shall issue a waiver of certificate of appropriateness. The commission may attach to the waiver, pursuant to the public hearing, conditions mitigating the loss of the Clark County heritage register property. Mitigation measures may include, but are not limited to, an identification plaque, use of an architectural element in new construction, moving the building, and/or buffering of the historic or cultural resource. The waiver and any attached mitigation conditions shall be transmitted to the official in charge of issuing demolition permits. Any attached mitigation conditions shall become conditions of approval should a demolition permit be granted.
  - e. After demolition of a property, the commission may initiate its removal from the Clark County heritage register.
6. Appeal of Approval or Denial of a Waiver of a Certificate of Appropriateness. The commission's decision regarding a waiver of a certificate of appropriateness may be appealed to the city council. Appeal of the city council's decision regarding a waiver of a certificate of appropriateness may be appealed to superior court.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.35.080 Relationship to zoning.**

- A. Property(ies) designated to the Clark County heritage register shall be subject to the provisions set forth herein, as well as the bulk, use, setback and other controls of the zoning district in which they are located. Nothing contained herein shall be construed to be repealing, modifying, or waiving any zoning provisions.
  1. Property(ies) on any historic register or the Clark County cultural resources inventory shall be so noted in the city's manual or electronic permit tracking system or other database to alert staff and public as to the presence of an historic site, structure, object or building. Archaeological sites are exempt from this requirement.
  2. An official county map shall indicate an "HR-C" for "Historic or Heritage Register - Camas" for any property listed on the national, state or local registers, with the exception of specific archaeological sites.

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3. Property(ies) within the city listed on the Clark County cultural resource inventory shall be indicated on an official map(s) with an "HI-C" for "Historic Inventory—Camas" with the exception of specific archaeological sites.
  4. Historic district boundaries approved by the commission shall be indicated on the city's official zoning maps.
  5. Any application for development of building permit review on a property designated HR-C or HI-C shall be routed to commission and city staff for review or action pursuant to this title and the commission's rules and procedures prior to permit approval.
- B. The Clark County planning division with assistance from city staff is responsible for review of impacts to potential or existing historic resources. All applications for approval, permits, environmental assessments or impact statements, and other similar documents pertaining to property(ies) on the Clark County cultural resource inventory or adjacent property(ies) shall be reviewed by appropriate staff or a qualified consultant.

Comments shall be forwarded to the responsible staff for the application under consideration. If a property or historic district is on the National Register of Historic Places or the Clark County heritage register, the commission staff shall contact the property owner(s) or agent(s) in writing and advise them of the register status and applicable requirements.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.35.090 Review and monitoring of property(ies) for special property tax valuation.**

This section implements the local option special valuation tax incentive program as established in RCW 84.26.

- A. Time Lines.
1. Applications must be filed by the first day of October with the county assessor's office and shall be forwarded to the commission by the assessor within ten days of filing.
  2. For applications filed at least thirty days prior to the next regularly scheduled meeting of the commission, the case may be put on the agenda for that meeting. If there are not thirty days, the case will be scheduled for the next regularly scheduled meeting of the commission.
  3. Applications shall be reviewed by the commission before December 31st of the calendar year in which the application is made.
  4. Commission decisions regarding the applications shall be certified in writing and filed with the assessor within ten days of the decision.
- B. Procedure.
1. The applicant files an application for special valuation with the county assessor's office no later than October 1st preceding the tax assessment year for which they wish to apply. A fee is required as established in CCC Chapter 17.60 and is payable to the Clark County department of community development.
  2. The assessor forwards the application(s) to the commission within ten days of receipt of the completed application.
  3. The commission reviews the application(s), consistent with its rules and procedures, and determines if the application(s) are complete and if the property(ies) meet the criteria set forth in WAC 254-17-070(1) and listed in subsection (C)(3) of this section.



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- a. If the commission finds the property(ies) meet all the criteria, then it shall approve the application(s).
  - b. If the commission determines the property(ies) do not meet all the criteria, then it shall deny the application(s).
  4. The commission certifies its decisions in writing and states the facts upon which the approvals or denials are based and files copies of the certifications with the assessor.
  5. For approved applications:
    - a. The commission staff forwards copies of the agreements, applications, and supporting documentation (as required by WAC 254-17-090(4) and identified in subsection C of this section) to the assessor;
    - b. The commission staff forwards the signed agreement and application documents to the county auditor for recording. The applicant shall be assessed fees for recording as provided for in CCC Chapter 17.60 and other applicable county codes;
    - c. Notifies the Washington State Advisory Council that the property(ies) have been approved for special valuation; and
    - d. Monitors the property(ies) for continued compliance with the agreements throughout the ten-year special valuation period. Monitoring may include an annual site visit by staff or commission members.
  6. The commission determines in a manner consistent with its rules of procedure, whether or not property(ies) are disqualified from special valuation either because of:
    - a. The owner's failure to comply with the terms of the agreement; or
    - b. A loss of historic value resulting from physical changes to the building or site.
  7. For disqualified property(ies) pursuant to RCW 84.26.080, the commission shall notify the owner, assessor, and Washington State Advisory Council in writing and state the facts supporting its findings.
- C. Criteria.
1. Historic Property Criteria. The class of property eligible to apply for special valuation in Clark County shall mean all property(ies) listed on the National Register of Historic Places, Clark County heritage register or property(ies) certified as contributing to local and/or National Register Historic Districts which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in RCW Chapter 84.26.
  2. Application Criteria. Complete applications shall consist of the following documentation:
    - a. A legal description of the historic property;
    - b. A copy of the nomination form to the National Register of Historic Places or Clark County heritage register for the subject property(ies);
    - c. Comprehensive exterior and interior photographs of the historic property before and after rehabilitation. Photographs should be four inches by six inches or five inches by seven inches minimum format either black and white or color, with negatives and must be clearly labeled to identify case, location, subjects and the direction the photograph was taken:
      - i. Photos taken prior to construction,
      - ii. Historic photos or other source materials of replicated features,

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- iii. If in an historic district, a current streetscape;
- d. Architectural plans or other legible drawings depicting the completed rehabilitation work signed by the architect or drafts-person; and
- e. Notarized affidavit(s):
  - i. Attesting to the actual itemized cost of the rehabilitation work completed prior to the date of application, and
  - ii. Indicating rehabilitation work was completed within the twenty-four month period of time prior to application for special valuation.

Documentation of both must be made available to the commission;

- f. Samples of utilized materials may be required by the commission;
  - g. Other information as required by staff or the commission at a pre-application meeting.
3. Property Review Criteria. In its review the commission shall determine if the property(ies) meet all the following criteria:
- a. The property is historic property which is designated to the local and/or national registers;
  - b. The property has been rehabilitated at a cost which meets the definition set forth in RCW 84.26.017(2) within twenty-four months prior to the date of application; and
  - c. The property has not been altered in any way which adversely affects those elements which qualify it as historically significant as determined by applying the Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties (WAC 254-17-100(1) and listed in subsection (C)(4) of this section).
4. Rehabilitation and Maintenance Criteria. The Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties in WAC 254-17-100 shall be used by the commission as minimum requirements for determining whether or not an historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified.
- D. Agreement. The historic preservation special valuation agreement in WAC 254-17-117 shall be used by the commission as the minimum agreement necessary to comply with the requirements of RCW 84.26.050(2).
- E. Appeals. Any decision of the commission acting on any application for classification as historic property, eligible for special valuation, may be appealed to superior court under RCW 34.04.130 in addition to any other remedy of law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the county board of equalization.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.35.100 Clark County cultural resources inventory.**

- A. Purpose of the Inventory. The Clark County cultural resources inventory is a tool for planning and research, and includes those resources believed to have cultural or historic significance for Clark County, the region, or the nation, regardless of current ownership.
- B. Effect of Listing on the Inventory. Listing on the Clark County cultural resources inventory does not result in any regulatory requirements pursuant to this chapter.

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- C. Application for Listing on the Inventory.
1. A property owner may make application for listing on the inventory by completing an inventory form available from the Clark County department of community development and submitting it to the commission staff, if the building, structure, site, object, or district is at least fifty years old, or is of lesser age and has exceptional architectural, historical or cultural importance.
  2. The city of Camas or Clark County may conduct an historic and cultural resource inventory and make application for listing on the inventory.
- D. Listing on the Inventory.
1. New listings of buildings, structures, sites, objects or districts to the inventory is subject to review by the department of community development together with staff from the city. Consideration of listing shall be based upon development of a comprehensive inventory methodology which determines a rank order.
  2. Property(ies) which are demolished shall be maintained in the inventory records for historical research purposes.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.35.110 Violations and enforcement.**

Violations of this chapter shall be grounds for the commission to review the property for removal from the register. The property owner may also be subject to special valuation disqualifications as stated in WAC 458-15-070 and all applicable laws.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

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Chapter 16.53 - WETLANDS

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**Sections:**

- 16.51.010 Purpose.
- 16.51.020 Authority.
- 16.51.030 Relationship to other regulations.
- 16.51.040 Severability.
- 16.51.050 Administrative rules.
- 16.51.060 Interpretation.
- 16.51.070 Critical areas—Regulated.
- 16.51.080 Best available science.
- 16.51.090 Applicability.
- 16.51.100 Exemptions.
- 16.51.110 Exception—Reasonable use.
- 16.51.120 Allowed activities.
- 16.51.130 Review required.
- 16.51.140 Critical area reporting evaluation—Requirements.
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- 16.51.160 Mitigation requirements.
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- 16.51.200 Unauthorized critical area alterations and enforcement.
- 16.51.210 Critical area markers, signs and fencing.
- 16.51.220 Notice on title.
- 16.51.230 Native growth protection areas (Reserved).
- 16.51.240 Critical area protective mechanism.
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**16.51.010 Purpose.**

- A. The purpose of this chapter is to designate and classify ecologically sensitive and hazardous areas, and to protect these areas, their functions and values, while allowing for some reasonable use of property.

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- B. The city finds that critical areas provide a variety of valuable and beneficial biological and physical functions that benefit the city of Camas and its residents, and/or may pose a threat to human safety, or to public and private property.
- C. Goals. By managing development and alteration of critical areas, this chapter seeks to:
  - 1. Protect members of the public and public resources and facilities from injury, loss of life, or property damage due to landslides and steep slope failures, erosion, seismic events, or flooding;
  - 2. Protect unique, fragile, and valuable elements of the environment, including ground and surface waters;
  - 3. Direct activities not dependent on critical area resources to less ecologically sensitive sites, and mitigate necessary impacts to critical areas by regulating alterations in and adjacent to critical areas; and
  - 4. Prevent cumulative adverse environmental impacts to critical aquifer recharge and frequently flooded areas.
- D. The regulations of this chapter are intended to protect critical areas in accordance with the Growth Management Act, and through the application of best available science, as determined according to WAC 365-195-900 through 365-195-925, and in consultation with state and federal agencies and other qualified professionals.
- E. This chapter is to be administered with flexibility and attention to site-specific characteristics. It is not the intent of this chapter to make a parcel of property unusable by denying its owner reasonable economic use of the property.
- F. The city's enactment or enforcement of this chapter shall not be construed for the benefit of any individual person or group of persons other than the general public.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.51.020 Authority.**

As provided herein, the director shall mean the community development director or designee. The director is given the authority to interpret and apply, and the responsibility to enforce this chapter to accomplish the stated purpose.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.51.030 Relationship to other regulations.**

- A. These critical area regulations shall apply as an overlay and in addition to zoning and other regulations, including the city of Camas Design Standards Manual, adopted by the city.
- B. These critical area regulations may be applied concurrently with review conducted under the State Environmental Policy Act (SEPA), or other development review as adopted.
- C. In the event of a conflict with any other provisions of this chapter, that which provides more protection to the critical areas shall apply.
- D. Compliance with the provisions of this chapter does not constitute compliance with other federal, state and local regulations and permit requirements that may be required (for example, shoreline substantial development permits, HPA permits, Army Corps of Engineers Section 404 permits, NPDES permits). The applicant is responsible for complying with all requirements, apart from the process established in this chapter.

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(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.51.040 Severability.**

If any clause, sentence, paragraph, section, or part of this chapter, or the application thereof to any person or circumstances shall be judged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered. The decision shall not affect or invalidate the remainder of any part thereof, and to this end the provisions of each clause, sentence, paragraph, section, or part of this law are declared to be severable.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.51.050 Administrative rules.**

Applicable departments within the city of Camas are authorized to adopt such administrative rules and regulations as necessary and appropriate to implement these chapters, and to prepare and require the use of such forms as necessary for its administration. The applicant shall be responsible for the initiation, preparation, submission, and expense of all required reports, assessment(s), studies, plans, reconnaissance(s), peer review(s) by qualified consultants, and other work prepared in support of or necessary to review the application.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.51.060 Interpretation.**

In the interpretation and application of the ordinance codified in this chapter, the provisions of this chapter shall be considered to be the minimum requirements necessary, shall be liberally construed to serve the purpose of the ordinance codified in this chapter, and shall be deemed to neither limit nor repeal any other provisions under state statute.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.51.070 Critical areas—Regulated.**

- A. Critical areas regulated by this chapter include wetlands (CMC Chapter 16.53), critical aquifer recharge areas (CMC Chapter 16.55), frequently flooded areas (CMC Chapter 16.57), geologically hazardous areas (CMC Chapter 16.59), and fish and wildlife habitat conservation areas (CMC Chapter 16.61).
- B. All areas within the city meeting the definition of one or more critical area, platted natural open space area, and conservation covenant areas, regardless of any formal identification, are designated critical areas and are subject to these provisions.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.51.080 Best available science.**

- A. Best Available Science to be Used Must be Consistent with Criteria. The best available science is that scientific information applicable to the critical area prepared by local, state, or federal natural resource agencies, a qualified scientific professional, or team of qualified scientific professionals, that is consistent with criteria established in WAC 365-195-900 through WAC 365-195-925.

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- B. Absence of Valid Scientific Information. Where there is an absence of valid scientific information, or incomplete scientific information relating to a critical area, leading to uncertainty about the risk to critical area function of permitting an alteration of or impact to the critical area, the director shall:
1. Limit development and land use activities until the uncertainty is sufficiently resolved; and
  2. Require an effective adaptive management program that relies on scientific methods to evaluate how well regulatory and nonregulatory actions protect the critical area. An adaptive management program is a formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty. An adaptive management program shall:
    - a. Address funding for the research component of the adaptive management program,
    - b. Change course based on the results and interpretation of new information that resolves uncertainties, and
    - c. Commit to the appropriate timeframe and scale necessary to reliably evaluate regulatory and nonregulatory actions affecting protection of critical areas and anadromous fisheries.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.51.090 Applicability.**

Land proposals below are subject to the criteria, guidelines, report requirements, conditions, and performance standards in ~~CMC Chapters 16.50 through 16.95~~this Title:

- A. Binding site plan;
- B. Blasting permits;
- C. Commercial development;
- D. Conditional use permit;
- E. Light industrial or industrial development;
- F. Planned residential development;
- G. Short plat;
- H. Subdivision;
- I. Shoreline substantial development permit;

~~J. Unclassified use;~~

~~K.~~J. Any grading, filling, or clearing of land, or logging or removal of timber on land characterized in a critical area described in CMC Section 16.51.070(A); and

~~L.~~K. Other activities as specified within ~~CMC Chapters 16.51 through 16.61~~this Title.

**16.51.100 Exemptions.**

- A. Exempt Activities. The following developments, activities, and associated uses shall be exempt from the provisions of this title; provided, that they are otherwise consistent with the provisions of other local, state and federal laws and requirements:
1. Emergencies. Emergency activities are those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of damage to private



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property, and that require remedial or preventative action in a timeframe too short to allow for compliance with the requirements of these provisions.

An emergency response shall utilize reasonable methods to address the emergency considering the applicable critical area(s); in addition, they must have the least possible impact to the critical area or its management zone. The person or agency undertaking such action shall notify the city within four days following commencement of the emergency activity. If the director determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then enforcement will commence;

2. After the emergency, the person or agency undertaking the action shall fully restore and/or mitigate any impacts to the critical area and management zones resulting from the emergency action in accordance with an approved critical area report and mitigation plan. Restoration and/or mitigation activities must be initiated within one year of the date of the emergency, and completed in a timely manner;
  3. Operation, Maintenance or Repair. Operation, maintenance or repair of existing structures, infrastructure improvements, utilities, public or private roads, dikes, levees or drainage systems that do not further alter or increase the impact to, or encroach further within, the critical area or management;
  4. Passive Outdoor Activities. Recreation, education, and scientific research activities that do not degrade the critical area, including fishing, hiking, and bird watching. Trails must be constructed pursuant to CMC Section 16.51.120(C)(4); and
  5. Forest Practices. Forest practices regulated and conducted in accordance with the provisions of Chapter 76.09 RCW and forest practices regulations, Title 222 WAC, and those that are exempt from city of Camas' jurisdiction, provided that forest practice conversions are not exempt.
- B. Exempt Activities Shall Avoid Impacts to Critical Areas. All exempted activities shall use reasonable methods to avoid potential impacts to critical areas. To be exempt from these provisions does not give permission to degrade a critical area or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's expense.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.51.110 Exception—Reasonable use.**

- A. If the application of this title would deny all reasonable use of the subject property, the property owner may apply for an exception pursuant to this section.
- B. Exception Request and Review Process. An application for a reasonable use exception shall be made to the city and shall include a critical area application and fee; critical area report, including mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter 43.21C RCW) (SEPA documents). A staff report shall be prepared to include a recommendation to the approval authority based on review of the submitted information, a site inspection, and the proposal's ability to comply with reasonable use exception criteria in subsection D of this section.
- C. Public Hearing Required. A request for an exception under this section shall be considered through a Type III hearing process in accordance with CMC Chapter 18.55
- D. Reasonable Use Review Criteria. The criteria for review and approval of reasonable use exceptions is:

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1. The application of these provisions would deny all reasonable use of the property;
  2. No other reasonable use of the property has less impact on the critical area;
  3. Any alteration is the minimum necessary to allow for reasonable use of the property; and
  4. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant after the effective date of these provisions or its predecessor.
- E. Burden of Proof. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.51.120 Allowed activities.**

- A. Critical Area Report not Required. Activities which have been reviewed and permitted or approved by the city, or other agency with jurisdiction, for impacts to critical or sensitive areas, do not require submittal of a new critical area report or application under this chapter, unless such submittal was required previously for the underlying permit.
- B. Required Use of Best Management Practices. All allowed activities shall be conducted using the best management practices, adopted pursuant to other provisions contained in this code, that result in the least amount of impact to the critical areas. Best management practices shall be used for tree and vegetation protection, construction management, erosion and sedimentation control, water quality protection, and regulation of chemical applications. The city shall monitor the use of best management practices to ensure that the activity does not result in degradation to the critical area. Any incidental damage to, or alteration of, a critical area shall be restored, rehabilitated, or replaced at the responsible party's expense.
- C. Allowed Activities. The following activities are allowed:
  1. Permit Requests Subsequent to Previous Critical Area Review. Development permits and approvals that involve both discretionary land use approvals (such as subdivisions, rezones, or conditional use permits) and construction approvals (such as building permits) if all of the following conditions have been met:
    - a. There have been no material changes in the potential impact to the critical area or management zone since the prior review,
    - b. There is no new information available that is applicable to any critical area review of the site or particular critical area,
    - c. The permit or approval has not expired or, if no expiration date, no more than five years has elapsed since the issuance of that permit or approval, and
    - d. Compliance with any standards or conditions placed upon the prior permit or approval has been achieved or secured;
  2. Modification to Existing Structures. Structural modifications, additions to, or replacement of an existing legally constructed structure that does not further alter or increase the impact to the critical area or management zone, and where there is no increased risk to life or property as a result of the proposed modification or replacement, provided that restoration of structures substantially damaged by fire, flood, or act of nature must be initiated within one year of the date of such damage, as evidenced by the issuance of a valid building permit, and diligently pursued to completion;

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3. Activities Within the Improved Right-of-Way. Replacement, installation, or construction of utility facilities, lines, pipes, mains, equipment, or appurtenances, not including substations, when such facilities are located within the improved portion of the public right-of-way or a city-authorized private roadway, except those activities that alter a wetland or watercourse, such as culverts or bridges, or results in the transport of sediment or increased stormwater;
4. Public and Private Pedestrian Trails.
  - a. Existing public and private trails established consistent with the city of Camas parks and open space plan may be maintained, replaced, or extended, provided there is no increase in the impact to the critical area or management zone.
  - b. Other public and private pedestrian trails, except in wetlands, fish and wildlife habitat conservation areas, or their management zones, subject to the following:
    - i. The trail surface shall meet all other requirements including water quality standards set forth in the city of Camas Design Standards Manual,
    - ii. Critical area and/or management zone widths shall be increased, where possible, equal to the width of the trail corridor, including disturbed areas, and
    - iii. Trails proposed to be located in landslide or erosion hazard areas shall be constructed in a manner that does not increase the risk of landslide or erosion, and in accordance with an approved geotechnical report;
5. Selective Vegetation Removal Activities. The following vegetation removal activities, provided that no vegetation shall be removed from a critical area or its management zone without approval from the director, are allowed:
  - a. The removal of invasive plant species including Himalayan blackberry (*Rubus discolor*, *R. procerus*), Evergreen blackberry (*Rubus laciniatus*), English Ivy as well as any other noxious weed or invasive plant species acknowledged by the city, with hand labor and light equipment (e.g., push mowers, powered trimmers, etc.),
  - b. The removal of trees that are hazardous, posing a threat to public safety, or posing an imminent risk of damage to private property, from critical areas and management zones, provided that:
    - i. The applicant submits a report from a certified arborist, registered landscape architect, or professional forester that documents the hazard and provides a replanting schedule for the replacement trees,
    - ii. Tree cutting shall be limited to limbing and crown thinning, unless otherwise justified by a qualified professional. Where limbing or crown thinning is not sufficient to address the hazard, trees should be topped to remove the hazard rather than cut at or near the base of the tree,
    - iii. The landowner shall replace any trees that are felled or topped with new trees at a ratio of two replacement trees for each tree felled or topped within one year in accordance with an approved restoration plan. Tree species that are native and indigenous to the site and a minimum caliper of two inches shall be used,
    - iv. If a tree to be removed provides critical habitat, such as an eagle perch, a qualified wildlife biologist shall be consulted to determine timing and methods of removal that will minimize impacts, and
    - v. Hazard trees determined to pose an imminent threat or danger to public health or safety, or to public or private property, or serious environmental degradation, may be removed or topped by the landowner prior to receiving written approval from the city;

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provided, that within fourteen days following such action, the landowner shall submit a restoration plan that demonstrates compliance with these provisions,

- c. Measures to control a fire or halt the spread of disease or damaging insects consistent with the State Forest Practices Act; Chapter 76.09 RCW, and Camas fire department requirements; provided, that the removed vegetation shall be replaced in-kind or with similar native species within one year in accordance with an approved restoration plan;
6. Chemical Applications. The application of herbicides, pesticides, organic or mineral-derived fertilizers, or other hazardous substances, provided that their use shall be restricted in accordance with Department of Fish and Wildlife Management Recommendations, and the regulations of the Department of Agriculture and the U.S. Environmental Protection Agency;\*
7. Minor Site Investigative Work. Work necessary for land use submittals, such as surveys, soil logs, percolation tests, and other related activities, where such activities do not require construction of new roads or significant amounts of excavation. In every case, impacts to the critical area shall be minimized and disturbed areas shall be immediately restored; and
8. Navigational Aids and Boundary Markers. Construction or modification of navigational aids and boundary markers.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

\* More information on commercial and residential use of chemicals can be found in Department of Ecology "Critical Aquifer Recharge Areas: Guidance Document," Publication #05-10-028.

**16.51.130 Review required.**

Mapping. The approximate location and extent of critical areas are shown on the adopted critical area maps. These maps are to be used as a guide for the city, project applicants, and/or property owners, and may be continually updated as new critical areas are identified. They are a reference and do not provide a final critical area designation or delineation. If the proposed activity is within, adjacent to, or is likely to impact a critical area, the city shall require a critical area report from the applicant that has been prepared by a qualified professional. If the report concludes that there is a critical area present then the city of Camas shall:

- A. Review and evaluate the critical area report;
- B. Determine whether the development proposal conforms to the purposes and performance standards of these provisions;
- C. Assess potential impacts to the critical area and determine if they are necessary and unavoidable; and
- D. Determine if any mitigation proposed by the applicant is sufficient to protect the functions and values of the critical area and public health, safety, and welfare concerns consistent with the goals, purposes, objectives, and requirements of these provisions.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.51.140 Critical area reporting evaluation—Requirements.**

- A. Incorporating Best Available Science. The critical area report shall use scientifically valid methods and studies in the analysis of critical area data and field reconnaissance, and reference the source of

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science used. The critical area report shall evaluate the proposal and the likelihood of all probable adverse impacts to critical areas in accordance with these provisions.

- B. Minimum Report Contents. At a minimum, the report shall contain the following:
1. The name and contact information of the applicant, a description of the proposal, and identification of the permit requested;
  2. A copy of the site plan for the development proposal showing identified critical areas, management zones, property lines, limits of any areas to be cleared, and a description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations;
  3. The dates, names, and qualifications of the persons preparing the report, and documentation of any fieldwork performed on the site;
  4. Identification and characterization of critical areas, wetlands, water bodies, and management zones within the proposed project area;
  5. A description of reasonable efforts made to avoid, minimize, and mitigate impacts to critical areas;
  6. A proposal for financial guarantees to ensure compliance; and
  7. Any additional information required for the critical area, as specified in the corresponding chapter.
- C. Unless otherwise provided, a critical area report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations, or previously prepared for and applicable to the development proposal site, as approved by the director.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.51.150 Critical area report—Modifications to requirements.**

- A. Limitations to Study Area. The director may limit or extend the required geographic area of the critical area report as deemed appropriate, so long as it is within the proposed site.
- B. Modifications to Required Contents. The applicant may consult with the director prior to or during preparation of the critical area report to obtain city written approval for modifications to the required contents of the report where, in the judgment of a qualified professional, more or less information is required to adequately address the probable critical area impacts and required mitigation.
- C. Additional Information May be Required. The director may require additional information to be included in the critical area report when determined to be necessary to the review of the proposed activity in accordance with these provisions. Additional information that may be required, includes, but is not limited to:
1. Historical data, including original and subsequent mapping, aerial photographs, data compilations and summaries, and available reports and records relating to the site or past operations at the site;
  2. Grading and drainage plans; and
  3. Information specific to the type, location, and nature of the critical area.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

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**16.51.160 Mitigation requirements.**

- A. The applicant shall avoid all impacts that degrade the functions and values of a critical area or areas. Unless otherwise provided in these provisions, if alteration to the critical area is necessary, all adverse impacts to or from critical areas and management zones resulting from a development proposal or alteration shall be mitigated in accordance with an approved critical area report and SEPA documents.
- B. Mitigation should be in-kind and on-site, when possible, and sufficient to maintain the functions and values of the critical area, and to prevent risk from a hazard posed by a critical area.
- C. Mitigation shall only be implemented after city approval of a critical area report that includes a mitigation plan; and mitigation shall be in accordance with the provisions of the approved critical area report.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.51.170 Mitigation sequencing.**

Applicants shall demonstrate that reasonable efforts have been examined with the intent to mitigate impacts to critical areas. When an alteration to a critical area is proposed, mitigation can be accomplished through a variety of methods. Generally, avoiding the impact altogether is the preferred option. Methods to reduce impacts and mitigate for them should follow a series of steps taken in sequential order:

- A. Avoiding the impact altogether by not taking a certain action or parts of an action (usually by either finding another site or changing the location on the site);
- B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project design, developable area configuration, relocation, or timing, to avoid or reduce impacts;
- C. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;
- D. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;
- E. Compensating for the impact to critical areas by replacing, enhancing, or providing substitute resources or environments;
- F. Monitoring the hazard or other required mitigation and taking remedial action when necessary; and
- G. Rectifying the impact to critical areas by repairing, rehabilitating, or restoring the affected environment to the historical conditions, or the conditions existing at the time of the initiation of the project.

Following this process is referred to as mitigation sequencing, and mitigation for individual actions may include a combination of the measures provided in this section.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.51.180 Mitigation plan requirements.**

When mitigation is required, the applicant shall submit to the city a mitigation plan as part of the critical area report. The mitigation plan shall include:

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- A. Environmental Goals and Objectives. The mitigation plan shall include a written report identifying environmental goals and objectives of the compensation proposed and including:
1. A description of the anticipated impacts to the critical areas, the mitigating actions proposed, and the purposes of the compensation measures, including the site selection criteria, identification of compensation goals, identification of resource functions, and dates for beginning and completion of site compensation construction activities. The goals and objectives shall be related to the functions and values of the impacted critical area; and
  2. An analysis of the likelihood of success of the mitigation project.
- B. Performance Standards. The mitigation plan shall include measurable specific criteria for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained, and whether or not the requirements of these provisions have been met.
- C. Detailed Construction Plans. The mitigation plan shall include written specifications and descriptions of the mitigation proposed, including but not limited to, the proposed construction sequence, timing and duration; grading and excavation details; erosion and sediment control features; a planting plan specifying plant species, quantities, locations, size, spacing and density; and, measures to protect and maintain plants until established.
- These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.
- D. Monitoring Program. The mitigation plan shall include a program for monitoring construction of the compensation project and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring (for example, monitoring shall occur in years one, three, and five after site construction), and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years.
- E. Contingency Plan. The mitigation plan shall include identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.
- F. Financial Guarantees. The mitigation plan shall include financial guarantees, as determined by the approval authority, to ensure that the mitigation plan is fully implemented. Financial guarantees ensuring fulfillment of the compensation project, monitoring program, and any contingency measures shall be posted consistent with these provisions.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.51.190 Innovative mitigation.**

The city may encourage, facilitate, and approve innovative mitigation projects. Advance mitigation or mitigation banking are examples of alternative mitigation projects allowed under the provisions of this section wherein one or more applicants, or an organization with demonstrated capability, may undertake a mitigation project together if it is demonstrated that all of the following circumstances exist:

- A. Creation or enhancement of a larger system of critical areas and open space is preferable to the preservation of many individual habitat areas;
- B. The group demonstrates the organizational and fiscal capability to act cooperatively;

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- C. The group demonstrates that long-term management of the habitat area will be provided;
- D. There is a clear potential for success of the proposed mitigation at the identified mitigation site; and
- E. Conducting mitigation as part of a cooperative process does not reduce or eliminate the required replacement ratios.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.51.200 Unauthorized critical area alterations and enforcement.**

- A. When a critical area or its management zone has been altered in violation of these provisions, all ongoing development work shall stop and the critical area shall be restored. The city shall have the authority to issue a stop work order to cease all ongoing development work, and order restoration, rehabilitation, or replacement measures at the owner's or other responsible party's expense to compensate for violation of these provisions.
- B. Restoration Plan Required. Where a violation has occurred, all development work shall remain stopped until a restoration plan is submitted by the property owner and/or violator (applicant) and approved by the city. Such a plan shall be prepared by a qualified professional and shall describe how the actions proposed meet the intent of requirements described in subsection C of this section. The director may, at the applicant's expense, seek expert advice in determining the adequacy of the plan and may impose additional requirements to mitigate critical areas issues.
- C. Minimum Performance Standards for Restoration.
  - 1. For alterations to critical aquifer recharge areas and frequently flooded areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that if the violator can demonstrate that greater functional and habitat values can be obtained, these standards may be modified:
    - a. The historic structural and functional values shall be restored, including water quality and habitat functions;
    - b. The historic soil types and configuration shall be replicated;
    - c. The critical area and management zones shall be replanted with native vegetation that replicates the vegetation historically found on the site in species types, sizes, and densities; and
    - d. The historic functions and values should be replicated at the location of the alteration.
  - 2. For alterations to frequently flooded and geological hazardous areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that, if the violator can demonstrate that greater safety can be obtained, these standards may be modified:
    - a. The hazard shall be reduced to a level equal to, or less than, the predevelopment hazard;
    - b. Any risk of personal injury resulting from the alteration shall be eliminated or minimized; and
    - c. The hazard area and management zones shall be replanted with native vegetation sufficient to minimize the hazard.
- D. Enforcement. Violations and compliance issues under these provisions are subject to enforcement under CMC Chapter 18.55

(Ord. 2517 § 1 (Exh. A (part)), 2008)



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**16.51.210 Critical area markers, signs and fencing.**

- A. Temporary Markers. The outer perimeter of the management zones and/or critical areas may be required to be marked in the field in such a way as to ensure that no unauthorized intrusion will occur, and verified by the director prior to the commencement of permitted activities. This temporary marking, if required, shall be maintained throughout construction, and shall not be removed until permanent signs, if required, are in place.
- B. Permanent Signs. The city may require, as a condition of any permit or authorization issued pursuant to this chapter, that the applicant install permanent signs along the boundary of a critical area or management zone to city standards.
- C. Fencing.
  - 1. The director may condition any permit or authorization issued pursuant to this chapter to require the applicant to install a permanent fence to city specifications at the edge of the habitat conservation area or management zone, when, in the opinion of the city, fencing will reasonably minimize or prevent future impacts to the habitat conservation area.
  - 2. Fencing installed as part of a proposed activity, or as required in this subsection, shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes habitat impacts.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.51.220 Notice on title.**

- A. The proponent of any new development proposal which involves a critical area or management zone may be required to file a notice with the Clark County recording division of the county auditor's office. The notice, if required, shall state the presence of the critical area or management zone on the property, of the application of these provisions to the property, and the fact that limitations on actions in or affecting the critical area or management zone may exist. The notice shall run with the land.
- B. This notice on title shall not be required for a development proposal by a public agency, or public or private utility:
  - 1. Within a recorded easement or right-of-way;
  - 2. Where the agency or utility has been adjudicated the right to an easement or right-of-way; or
  - 3. On the site of a permanent public facility.
- C. The applicant shall submit proof that the notice has been filed for public record before the city approves any development proposal for the property or, in the case of subdivisions, short subdivisions, planned unit developments, and binding site plans, at or before recording.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.51.230 Native growth protection areas (Reserved).**

**16.51.240 Critical area protective mechanism.**

- A. Identified critical areas and their associated buffer or management zones shall be protected and preserved through a permanent protective mechanism acceptable to the city. This may include placing the critical area and its associated buffer or management zone in a separate tract; executing a protective easement; or dedicating the critical area and its associated buffer or management zone

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to a public agency, or public or private land trust. The mechanism shall provide for maintenance of the critical area and its associated buffer or management zone.

- B. If the protective mechanism includes placing the critical area and its associated buffer or management zone in a separate tract, then the critical area tract(s) shall:
  - 1. Be recorded on all documents of title of record for all affected lots;
  - 2. Be designated on the face of the plat or recorded drawing in a format approved by the city. The designation shall include the following restriction:
    - a. An assurance that native vegetation will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, management zoning, and protecting plants and animal habitat; and
    - b. The right of the city to enforce the terms of the restriction.
- C. The city may require that any required critical area tract be dedicated to the city, or held by an incorporated homeowner's association, or other legal entity.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.51.250 Bonds to ensure mitigation, maintenance, and monitoring.**

- A. When mitigation required pursuant to a development proposal is not completed prior to the city final permit approval, such as final plat approval, the city shall require the applicant to post a performance bond or other security in a form and amount deemed acceptable by the city. If the development proposal is subject to mitigation, the applicant shall post a mitigation bond or other security in a form and amount deemed acceptable by the city to ensure mitigation is fully functional.
- B. The bond shall be in the amount of one hundred twenty-five percent of the estimated cost of the uncompleted actions, or the estimated cost of restoring the functions and values of the critical area that are at risk, whichever is greater.
- C. The bond may be in the form of a surety bond, performance bond, assignment of savings account, or an irrevocable letter of credit guaranteed by an acceptable financial institution with terms and conditions acceptable to the city attorney.
- D. Bonds or other security authorized by this section shall remain in effect until the city determines, in writing, that the standards bonded for have been met.
- E. Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.
- F. Public development proposals may be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed for mitigation, maintenance, monitoring, or restoration.
- G. Any failure to satisfy critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within thirty days after it is due, or comply with other provisions of an approved mitigation plan, shall constitute a default, and the city may demand payment of any financial guarantees or require other action authorized by the city code or any other law.
- H. Any funds recovered pursuant to this section shall be used to complete the required mitigation.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

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**Chapter 16.53 WETLANDS**

**Sections:**

- 16.53.010 Purpose, applicability and exemptions.
- 16.53.020 Rating system.
- 16.53.030 Critical area report—Additional requirements for wetlands.
- 16.53.040 Standards.
- 16.53.050 Wetland permits.

**16.53.010 Purpose, applicability and exemptions.**

- A. Purpose.
  - 1. Wetlands constitute important natural resources which provide significant environmental functions including: the control of floodwaters, maintenance of summer stream flows, filtration of pollutants, recharge of ground water, and provision of significant habitat areas for fish and wildlife. Uncontrolled urban-density development in and adjacent to wetlands and designated buffers can eliminate or significantly reduce the ability of wetlands to provide these important functions, thereby detrimentally affecting public health, safety, and general welfare.
  - 2. It is the purpose of this chapter to provide balanced wetland protection measures which:
    - a. Further the goal of no net loss of wetland acreage and functions;
    - b. Encourage restoration and enhancement of degraded and low quality wetlands;
    - c. Provide a greater level of protection for higher-quality wetlands;
    - d. Maintain consistency with federal wetland protective measures; and
    - e. Respect the rights of property owners by allowing reasonable use of property.
- B. Applicability.
  - 1. The provisions of this chapter apply to all lands, all land uses and development activity, and all structures and facilities in the city, whether or not a permit or permit authorization is required, and shall apply to every person, firm, partnership, corporation, group, governmental agency, or other entity that owns, leases, or administers land within the city. No person, company, agency, or applicant shall alter a wetland or wetland buffer except as consistent with this chapter.
  - 2. The city will not approve any permit or otherwise issue any authorization to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement in, over, or on a wetland or wetland buffer, without first ensuring compliance with the requirements of this chapter, including, but not limited to, the following development permits:
    - a. Building permit;
    - b. Grading permit;
    - c. Forest practices conversion permit;
    - d. Conditional use permit;
    - e. Shoreline conditional use permit;

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- f. Shoreline substantial development permit;
  - g. Shoreline variance;
  - h. Short subdivision;
  - i. Subdivision;
  - j. Planned residential development;
  - k. Master plan;
  - l. Binding site plan; or
  - m. Site plan or site plan review.
3. Reasonable Use Exceptions. The following exceptions shall apply in implementing the standards of this chapter, although the standards shall be applied to the maximum extent practicable to avoid and minimize impacts on wetland functions and values. Mitigation for unavoidable adverse impacts shall be required. The standards of this chapter shall not be used to preclude the following activities in wetland areas:
- a. The placement of a single-family residence and normal accessory structures on an otherwise legally buildable lot of record. Standards may be applied on established properties to limit the proposed location and size of structures, and proposed removal of vegetation.
    - i. The expansion of a home on a lot that does not show building or development envelopes, wetlands or wetland buffers on the recorded plat, not to exceed twenty-five percent of the existing building footprint,
    - ii. The replacement of single-wide mobile home with another dwelling and normal accessory structures, and
    - iii. Fire hazard clearing recommended by the fire marshal, or consistent with written fire marshal or fire chief guidelines;
  - b. The standards of this chapter shall not be used to deny all reasonable economic use of private property. The following criteria must be met in order to verify that all reasonable economic use of the property has been denied:
    - i. The application of this chapter would deny all reasonable economic use of the property,
    - ii. No other reasonable economic use of the property has less impact on the wetland and buffer area,
    - iii. Any wetland or buffer alteration is the minimum necessary to allow for reasonable economic use of the property, and
    - iv. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant after the date of adoption of the ordinance codified in this chapter;
  - c. The application of this chapter shall not be used to deny a development proposal for a linear facility from a public agency or public utility, provided the agency or utility meets the following criteria:
    - i. There is no practical alternative to the proposed project with less impact on the wetland and buffer area, and

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- ii. The application of this chapter would unreasonably restrict the ability to provide public utility services to the public.
  - 4. Approval of a development permit application pursuant to the provisions of this chapter does not discharge the obligation of the applicant to comply with the provisions of this chapter.
- C. Exemptions.
- 1. Exempt Activities and Impacts to Wetlands. All exempted activities shall use reasonable methods to avoid potential impacts to wetlands and buffers. Exemptions from permits are not exemptions from wetland stewardship responsibilities. The following developments, activities, and associated uses shall be exempt from the provisions of this chapter; provided, that they are otherwise consistent with the provisions of other local, state, and federal laws and requirements:
    - a. Reconstruction of damaged or destroyed structures within the same building footprint. Expansion or reconstruction within a new or expanded footprint that affects a nonexempt wetland or wetland buffer is subject to the provisions of this title.
    - b. The harvesting or normal maintenance of vegetation in a manner that is not injurious to the natural reproduction of such vegetation.
    - c. Existing agricultural activities and structures:
      - i. Agricultural activities and structures in operation at the time of adoption of the ordinance codified in this chapter that are affecting wetlands not associated with a riparian corridor are exempt from regulation under this chapter,
      - ii. Changes in agricultural practices within the same "footprint" as the existing agricultural activities in subsection (C)(1)(c)(i) of this section, including reconstruction of existing agricultural structures, or construction of new agricultural structures, are exempt from regulation under this chapter,
      - iii. Agricultural activities and structures in operation at the time of adoption of the ordinance codified in this chapter that are affecting wetlands associated with riparian corridors shall be regulated through CMC Chapter 16.61
    - d. The removal or eradication of noxious weeds so designated in Title 8 of this code or other exotic nuisance plants including nonnative blackberries; provided, that ground disturbing heavy machinery (scraping, ripping, etc.) is not used. Cutting, mowing, and ground disturbance with hand tools is allowed.
    - e. Site investigative work necessary for land use application submittals such as surveys, soil logs, and percolation tests.
    - f. Emergency clearing to abate immediate danger to persons or property. For emergency clearing of hazard trees, remove only that portion of the hazard tree as necessary to remediate the hazard.
    - g. Clearing necessary for the emergency repair of utility or public facilities. Notification of emergency work that causes substantial degradation to functions and values must be reported in a timely manner.
    - h. Clearing for operation, maintenance, or repair of existing utilities or public facilities that does not further increase the impact to, or encroach further within, the wetland or wetland buffer.
    - i. Clearing, as minimally necessary, for placement of fencing, private wells, septic systems, or individual lot sewer, water, electrical, or utility connections in wetland buffers, where practical alternatives do not exist.

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- j. Clearing, as minimally necessary, for stream bank restoration, for native replanting, or enhancements in wetlands and wetland buffers.
  - k. Clearing, as minimally necessary, for soil, water, vegetation, and resource conservation projects having received an environmental permit from a public agency in wetlands and wetland buffers.
  - l. Clearing, as minimally necessary, for creating a four-foot or narrower path using natural, wood-based, or vegetated pervious surfacing in wetlands and wetland buffers.
  - m. Land disturbance in wetlands and wetland buffers cumulatively less than five cubic yards in volume and three hundred square feet in area; provided, that the wetland hydroperiod is not significantly affected.
2. Exempted Wetlands. This chapter shall not apply to the following wetlands:
- a. Small. Isolated Category III wetlands less than two thousand five hundred square feet in area, and isolated Category IV wetlands less than four thousand three hundred fifty square feet in area;
  - b. Artificial. Wetlands created from nonwetland sites including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, stormwater facilities, farm ponds, and landscape amenities; provided, that wetlands created as mitigation shall not be exempted;
  - c. Riparian. Wetlands fully within five feet, measured horizontally, of bank-full width for streams and the ordinary high water mark for lakes which are regulated under the State Shorelines Management Act (Chapter 90.58 RCW) or under CMC Chapter 16.61, are exempt.
- D. Interpretation.
- 1. This chapter shall apply in addition to zoning and other regulations adopted by the city.
  - 2. When there is a conflict between any provisions of this chapter or any other regulations adopted by the city of Camas, that providing the most protection to affected critical areas shall apply.
  - 3. Compliance with this chapter does not constitute compliance with other federal, state and local regulations and permit requirements (for example, shoreline substantial development permits, hydraulic project approval (HPA) permits, Section 106 of the National Historic Preservation Act, U.S. Army Corps of Engineers Section 404 permits, National Pollutant Discharge Elimination System (NPDES) permits, or DOE Section 401 Water Quality Certification). The applicant is responsible for complying with all requirements, apart from the provisions of this chapter.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.53.020 Rating system.**

- A. Designating Wetlands. Wetlands are those areas, designated in accordance with the Washington State Wetland Identification and Delineation Manual, or Corps of Engineers Delineation Manual, Environmental Laboratories, 1987, or most current editions, that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. All areas within the city of Camas meeting the wetland designation criteria in the State Identification and Delineation Manual, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this title.

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- B. Wetland Rating System. Wetlands shall be rated according to the Washington State Department of Ecology (Ecology) wetland rating system found in Washington State Wetlands Rating System for Western Washington, (Ecology publication No. 04-06-025, August 20042006, or most current edition). The rating system document contains the definitions and methods for determining if the criteria below are met:

1. Wetland Rating Categories.

- a. Category I. Category I wetlands are those that meet one or more of the following criteria:

- i. Wetlands that are identified by scientists of the Washington Natural Heritage Program/DNR as high quality wetlands;
- ii. Bogs larger than one-half acre;
- iii. Mature and old growth forested wetlands larger than one acre;
- iv. Wetlands that perform many functions well, as indicated by scoring seventy points (out of one hundred) in the rating system.

Category I wetlands represent a unique or rare wetland type, are more sensitive to disturbance than most wetlands, are relatively undisturbed and contain some ecological attributes that are impossible to replace within a human lifetime, or provide a very high level of functions.

- b. Category II. Category II wetlands are those that meet one or more of the following criteria:

- i. Wetlands identified by the Washington Natural Heritage Program as containing sensitive plant species;
- ii. Bogs between one-fourth and one-half acre in size;
- iii. Wetlands with a moderately high level of functions, as indicated by scoring fifty-one to sixty-nine in the Ecology rating system.

Category II wetlands are difficult, though not impossible, to replace, and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but they still need a relatively high level of protection.

- c. Category III. Category III wetlands are those with a moderate level of functions, as indicated by scoring thirty to fifty in the Ecology rating system. Generally, wetlands in this category have been disturbed in some way and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

- d. Category IV. Category IV wetlands have the lowest levels of functions and are often heavily disturbed. They are characterized by a score of less than thirty on the rating system. These are wetlands that should be replaceable, and in some cases may be improved. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be protected to some degree.

2. Date of Wetland Rating. Wetland rating categories shall be applied as the wetland exists on the date of adoption of the rating system by the local government, as the wetland naturally changes thereafter, or as the wetland changes in accordance with permitted activities. Wetland rating categories shall not change due to illegal modifications.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

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**16.53.030 Critical area report—Additional requirements for wetlands.**

- A. Prepared by a Qualified Professional. A critical areas report for wetlands shall be prepared by a qualified professional who is a wetland biologist with experience preparing wetland reports.
- B. Area Addressed in Critical Area Report. In addition to the requirements of CMC Chapter 16.51, the following areas shall be addressed in a critical area report for wetlands:
  - 1. Within a subject parcel or parcels, the project area of the proposed activity;
  - 2. All wetlands and recommended buffer zones within three hundred feet of the project area within the subject parcel or parcels;
  - 3. All shoreline areas, water features, floodplains, and other critical areas, and related buffers within three hundred feet of the project area within the subject parcel or parcels;
  - 4. The project design and the applicability of the buffers based on the proposed layout and the level of land use intensity; and
  - 5. Written documentation from the qualified professional demonstrating compliance with the requirements of this chapter.
- C. Wetland Determination. In conjunction with the submittal of a development permit application, the responsible official shall determine the probable existence of a wetland on the subject parcel. If wetland or wetland buffers are found to be likely to exist on the parcel, wetland delineation is required.
- D. Wetland Delineation.
  - 1. Methodology. The location of a wetland and its boundary shall be determined through the performance of a field investigation utilizing the methodology contained in the Wetlands Delineation Manual. If a wetland is located off-site and is inaccessible, the best available information shall be used to determine the wetland boundary and category.
  - 2. Information Requirements. Wetland boundaries shall be staked and flagged in the field and a delineation report shall be submitted to the department. The report shall include the following information:
    - a. USGS quadrangle map with site clearly defined;
    - b. Topographic map of area;
    - c. National wetland inventory map showing site;
    - d. Soil conservation service soils map showing site;
    - e. Site map, at a scale no smaller than one inch equals one hundred feet (a scaling ratio of one is to one thousand two hundred), if practical, showing the following information:
      - i. Wetland boundaries,
      - ii. Sample sites and sample transects,
      - iii. Boundaries of forested areas,
      - iv. Boundaries of wetland classes if multiple classes exist;
    - f. Discussion of methods and results with special emphasis on technique used from the Wetlands Delineation Manual;
    - g. Acreage of each wetland on the site based on the survey if the acreage will impact the buffer size determination or the project design;



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- h. All completed field data sheets per the Wetlands Delineation Manual, numbered to correspond to each sample site.
- E. Wetland Analysis. In addition to the minimum required contents of subsection D of this section, and in addition to CMC Section 16.51.170, a critical area report for wetlands shall contain an analysis of the wetlands including the following site- and proposal-related information at a minimum:
  - 1. A discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve existing wetlands and restore any wetlands that were degraded prior to the current proposed land use activity.
  - 2. Proposed mitigation, if needed, including a written assessment and accompanying maps of the mitigation area, including the following information at a minimum:
    - a. Existing and proposed wetland acreage;
    - b. Vegetative, faunal, and hydrologic conditions;
    - c. Relationship within watershed, and to existing water bodies;
    - d. Soil and substrate conditions, topographic elevations;
    - e. Existing and proposed adjacent site conditions;
    - f. Required wetland buffers; and
    - g. Property ownership.
  - 3. A discussion of ongoing management practices that will protect wetlands after the project site has been developed; including proposed monitoring and maintenance programs.

When deemed appropriate, the director may also require the critical area report to include an evaluation by the Department of Ecology or an independent qualified expert regarding the applicant's analysis, and the effectiveness of any proposed mitigating measures or programs, and to include any recommendations as appropriate.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.53.040 Standards.**

- A. Activities and uses shall be prohibited from wetlands and wetland buffers, except as provided for in this chapter.
- B. Wetland Buffers.

Buffers. Wetland buffer widths shall be determined by the responsible official in accordance with the standards below:

- 1. All buffers shall be measured horizontally outward from the delineated wetland boundary or, in the case of a stream with no adjacent wetlands, the ordinary high water mark as surveyed in the field.
- 2. Buffer widths are established by comparing the wetland rating category and the intensity of land uses proposed on development sites per Tables 16.53.040-1, 16.53.040-2, 16.53.040-3 and 16.53.040-4. For Category IV wetlands, the required water quality buffers, per Table 16.53.040-1, are adequate to protect habitat functions.

**Table 16.53.040-1. Buffers Required to Protect Water Quality Functions**

<b>Wetland Rating</b>	<b>Low Intensity Use</b>	<b>Moderate Intensity Use</b>	<b>High Intensity Use</b>
Category I	50 ft.	75 ft.	100 ft.

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Category II	50 ft.	75 ft.	100 ft.
Category III	40 ft.	60 ft.	80 ft.
Category IV	25 ft.	40 ft.	50 ft.

;b;Table 16.53.040-2. Buffers Required to Protect Habitat Functions in Category I and II Wetlands;\b>

Habitat Score in the Rating Form	Low Intensity Use	Moderate Intensity Use	High Intensity Use
19 points or less	See Table 16.60.040-1	See Table 16.60.040-1	See Table 16.60.040-1
20	60 ft.	75 ft.	100 ft.
21	70	85	100
22	80	95	120
23	90	105	140
24	100	115	160
25	110	125	180
26	120	135	200
27	130	145	220
28	140	165	240
29	150	185	260
30	150	205	280
31 points or greater	150	225	300

;b;Table 16.53.040-2. Buffers Required to Protect Habitat Functions in Category I and II Wetlands;\b>

;b;Table 16.53.040-3. Buffers Required to Protect Habitat Functions in Category III Wetlands;\b>

Habitat Score in the Rating Form	Low Intensity Use	Moderate Intensity Use	High Intensity Use
20 points or less	See Table 16.60.040-1	See Table 16.60.040-1	See Table 16.60.040-1
21	45 ft.	65 ft.	90 ft.
22	50	70	100
23	55	80	110
24	60	90	120
25	65 ft.	100 ft.	130 ft.
26	70	105	140
27 points or greater	75 ft.	110 ft.	150 ft.

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Table 16.53.040-3. Buffers Required to Protect Habitat Functions in Category III Wetlands;

**Table 16.53.040-4. Land Use Intensity Matrix<sup>1</sup>**

	<b>Parks and Recreation</b>	<b>Streets and Roads</b>	<b>Stormwater Facilities</b>	<b>Utilities</b>	<b>Commercial / Industrial</b>	<b>Residential<sup>2</sup></b>
Low	Natural fields and grass areas, viewing areas, split rail fencing	NA	Outfalls, spreaders, constructed wetlands, bioswales, vegetated detention basins, overflows	Underground and overhead utility lines, manholes, power poles (without footings)	NA	Density at or lower than 1 unit per 5 acres
Moderate	Impervious trails, engineered fields, fairways	Residential driveways and access roads	Wet ponds	Maintenance access roads	NA	Density between 1 unit per acre and higher than 1 unit per 5 acres
High	Greens, tees, structures, parking, lighting, concrete or gravel pads, security fencing	Public and private streets, security fencing, retaining walls	Maintenance access roads, retaining walls, vaults, infiltration basins, sedimentation fore bays and structures, security fencing	Paved or concrete surfaces, structures, facilities, pump stations, towers, vaults, security fencing, etc.	All site development	Density higher than 1 unit per acre

The responsible official shall determine the intensity categories applicable to proposals should characteristics not be specifically listed in Table 16.53.060-4.

Measured as density averaged over a site, not individual lot sizes.

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3. In residential plats and subdivisions, wetlands and wetland buffers shall be placed within a nonbuildable tract with the following exceptions:
  - a. Creation of a nonbuildable tract would result in violation of minimum lot depth standards; or
  - b. The responsible official determines a tract is impractical;
  - c. Where the responsible official determines the exceptions in subsection (B)(3)(a) or (B)(3)(b) of this section are applicable, residential lots may extend into wetlands and wetland buffers; provided, that all the requirements of subsection C of this section are met.
4. Adjusted Buffer Width.
  - a. Adjustments Authorized by Wetland Permits. Adjustments to the required buffer width are authorized by Section 16.53.050(D) of this section upon issuance of a wetland permit.
  - b. Functionally Isolated Buffer Areas. Areas which are functionally separated from a wetland and do not protect the wetland from adverse impacts shall be treated as follows:
    - i. Preexisting roads, structures, or vertical separation shall be excluded from buffers otherwise required by this chapter;
    - ii. Distinct portions of wetlands with reduced habitat functions that are components of wetlands with an overall habitat rating score greater than twenty points shall not be subject to the habitat function buffers designated in Tables 16.53.040-2 and 16.53.040-3 if all of the following criteria are met:
      - (A) The area of reduced habitat function is at least one acre in size,
      - (B) The area supports less than five native plant species and does not contain special habitat features,
      - (C) The area of reduced habitat function has low or no interspersion of habitats as defined in Section H1.4 of the rating form,
      - (D) The area does not meet any WDFW priority habitat or species criteria, and
      - (E) The required habitat function buffer is provided for all portions of the wetland that do not have reduced habitat function.
- C. Standard Requirements. Any action granting or approving a development permit application shall be conditioned on all the following:
  1. Marking Buffer During Construction. The location of the outer extent of the wetland buffer shall be marked in the field and such markings shall be maintained throughout the duration of the permit.
  2. Permanent Marking of Buffer Area. A permanent physical demarcation along the upland boundary of the wetland buffer area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedge row, fencing, or other prominent physical marking approved by the responsible official. In addition, small signs shall be posted at an interval of one per lot or every one hundred feet, whichever is less, and perpetually maintained at locations along the outer perimeter of the wetland buffer as approved by the responsible official, and worded substantially as follows:

Wetland and Buffer—Please retain in a natural state.
  3. A conservation covenant shall be recorded in a form approved by the city as adequate to incorporate the other restrictions of this section and to give notice of the requirement to obtain a wetland permit prior to engaging in regulated activities within a wetland or its buffer.

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4. In the case of plats, short plats, and recorded site plans, include on the face of such instrument the boundary of the wetland and its buffer, and a reference to the separately recorded conservation covenant provided for in subsection (C)(3) of this section.
- D. Standard Requirements—Waivers. The responsible official shall waive the requirements of Section 16.53.030(D) and subsection B of this section in certain cases described below if the applicant designates development envelopes which are clearly outside of any wetland or buffer. The responsible official may require partial wetland delineation to the extent necessary to ensure eligibility for this waiver:
1. Residential building permits and home businesses;
  2. Site plan reviews where the responsible official determines that all development is clearly separated from the wetlands and wetland buffers:
    - a. Development envelopes shall be required for a fully complete preliminary application,
    - b. Development envelopes shall be shown on the final site plan, and
    - c. A note referencing the development envelopes shall be placed on the final site plan.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

**16.53.050 Wetland permits.**

- A. General.
1. A wetland permit is required for any development activity that is not exempt pursuant to Section 16.53.010(C) within wetlands and wetland buffers.
  2. Standards for wetland permits are provided in subsections B, C and D of this section.
  3. All wetland permits require approval of a preliminary and final enhancement/mitigation plan in accordance with the provisions of subsection E of this section unless the preliminary enhancement/mitigation plan requirement is waived under the provisions of subsection (E)(2) of this section.
  4. Wetland permit application, processing, preliminary approval, and final approval procedures are set out in subsections F through I of this section.
  5. Provisions for programmatic permits are provided by subsection K of this section.
  6. Provisions for emergency wetland permits are provided by subsection L of this section.
- B. Standards—General. Wetland permit applications shall be based upon a mitigation plan and shall satisfy the following general requirements:
1. The proposed activity shall not cause significant degradation of wetland functions;
  2. The proposed activity shall comply with all state, local, and federal laws, including those related to sediment control, pollution control, floodplain restrictions, stormwater management, and on-site wastewater disposal.
- C. Buffer Standards and Authorized Activities. The following additional standards apply for regulated activities in a wetland buffer:
1. Buffer Reduction Incentives. Standard buffer widths may be reduced under the following conditions, provided that functions of the post-project wetland are equal to or greater after use of these incentives.

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- a. Lower Impact Land Uses. The buffer widths recommended for proposed land uses with high-intensity impacts to wetlands can be reduced to those recommended for moderate-intensity impacts if both of the following criteria are met:
    - i. A relatively undisturbed, vegetated corridor at least one hundred feet wide is protected between the wetland and any other priority habitats that are present as defined by the Washington State Department of Fish and Wildlife\*; and
    - ii. Measures to minimize the impacts of the land use adjacent to the wetlands are applied, such as infiltration of stormwater, retention of as much native vegetation and soils as possible, direction of noise and light away from the wetland, and other measures that may be suggested by a qualified wetlands professional.
  - b. Restoration. Buffer widths may be reduced up to twenty-five percent if the buffer is restored or enhanced from a pre-project condition that is disturbed (e.g., dominated by invasive species), so that functions of the post-project wetland and buffer are equal or greater. To the extent possible, restoration should provide a vegetated corridor of a minimum one hundred feet wide between the wetland and any other priority habitat areas as defined by the Washington State Department of Fish and Wildlife. The habitat corridor must be protected for the entire distance between the wetland and the priority habitat area by some type of permanent legal protection such as a covenant or easement. The restoration plan must meet requirements in subsection D of this section for a mitigation plan, and this section for a critical area report.
  - c. Combined Reductions. Buffer width reductions allowed under subsections (C)(1)(a) and (C)(1)(b) of this section may be added provided that minimum buffer widths shall never be less than fifty feet for all Categories I, II and III wetlands, and twenty-five feet for all Category IV wetlands.
2. Buffer Averaging. Averaging buffers is allowed in conjunction with any of the other provisions for reductions in buffer width (listed in subsection (C)(1) of this section) provided that minimum buffer widths listed in subsection (C)(1)(c) of this section are adhered to. The community development department shall have the authority to average buffer widths on a case-by-case basis, where a qualified wetlands professional demonstrates, as part of a critical area report, that all of the following criteria are met:
    - a. The total area contained in the buffer after averaging is no less than that contained within the buffer prior to averaging;
    - b. Decreases in width are generally located where wetland functions may be less sensitive to adjacent land uses, and increases are generally located where wetland functions may be more sensitive to adjacent land uses, to achieve no net loss or a net gain in functions;
    - c. The averaged buffer, at its narrowest point, shall not result in a width less than seventy-five percent of the required width, provided that minimum buffer widths shall never be less than fifty feet for all Category I, Category II, and Category III wetlands, and twenty-five feet for all Category IV wetlands; and
    - d. Effect of Mitigation. If wetland mitigation occurs such that the rating of the wetland changes, the requirements for the category of the wetland after mitigation shall apply.
  3. Stormwater Facilities. Stormwater facilities are only allowed in buffers of wetlands with low habitat function (less than twenty points on the habitat section of the rating system form); provided, the facilities shall be built on the outer edge of the buffer and not degrade the existing buffer function, and are designed to blend with the natural landscape. Unless determined otherwise by the responsible official, the following activities shall be considered to degrade a wetland buffer when they are associated with the construction of a stormwater facility:

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- a. Removal of trees greater than four inches diameter at four and one-half feet above the ground or greater than twenty feet in height;
  - b. Disturbance of plant species that are listed as rare, threatened, or endangered by the city, county, or any state or federal management agency;
  - c. The construction of concrete structures, other than manholes, inlets, and outlets that are exposed above the normal water surface elevation of the facility;
  - d. The construction of maintenance and access roads;
  - e. Slope grading steeper than four to one horizontal to vertical above the normal water surface elevation of the stormwater facility;
  - f. The construction of pre-treatment facilities such as fore bays, sediment traps, and pollution control manholes;
  - g. The construction of trench drain collection and conveyance facilities;
  - h. The placement of fencing; and
  - i. The placement of rock and/or riprap, except for the construction of flow spreaders, or the protection of pipe outfalls and overflow spillways; provided, that buffer functions for areas covered in rock and/or riprap are replaced.
4. Road and Utility Crossings. Crossing buffers with new roads and utilities is allowed provided all the following conditions are met:
- a. Buffer functions, as they pertain to protection of the adjacent wetland and its functions, are replaced; and
  - b. Impacts to the buffer and wetland are minimized.
5. Other Activities in a Buffer. Regulated activities not involving stormwater management, road and utility crossings, or a buffer reduction via enhancement are allowed in the buffer if all the following conditions are met:
- a. The activity is temporary and will cease or be completed within three months of the date the activity begins;
  - b. The activity will not result in a permanent structure in or under the buffer;
  - c. The activity will not result in a reduction of buffer acreage or function;
  - d. The activity will not result in a reduction of wetland acreage or function.
- D. Standards—Wetland Activities. The following additional standards apply to the approval of all activities permitted within wetlands under this section:
1. Sequencing. Applicants shall demonstrate that a range of project alternatives have been given substantive consideration with the intent to avoid or minimize impacts to wetlands. Documentation must demonstrate that the following hierarchy of avoidance and minimization has been pursued:
    - a. Avoid impacts to wetlands unless the responsible official finds that:
      - i. For Categories I and II wetlands, avoiding all impact is not in the public interest or will deny all reasonable economic use of the site;
      - ii. For Categories III and IV wetlands, avoiding all impact will result in a project that is either:
        - (A) Inconsistent with the city of Camas comprehensive plan,

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- (B) Inconsistent with critical area conservation goals, or
  - (C) Not feasible to construct.
- b. Minimize impacts to wetlands if complete avoidance is infeasible. The responsible official must find that the applicant has limited the degree or magnitude of impact to wetlands by using appropriate technology and by taking affirmative steps to reduce impact through efforts such as:
- i. Seeking easements or agreements with adjacent land owners or project proponents where appropriate;
  - ii. Seeking reasonable relief that may be provided through application of other city zoning and design standards;
  - iii. Site design; and
  - iv. Construction techniques and timing.
- c. Compensate for wetland impacts that will occur, after efforts to minimize have been exhausted. The responsible official must find that:
- i. The affected wetlands are restored to the conditions existing at the time of the initiation of the project;
  - ii. Unavoidable impacts are mitigated in accordance with this subsection; and
  - iii. The required mitigation is monitored and remedial action is taken when necessary to ensure the success of mitigation activities.
2. Location of Wetland Mitigation. Wetland mitigation for unavoidable impacts shall be located using the following prioritization:
- a. On-Site. Locate mitigation according to the following priority:
    - i. Within or adjacent to the same wetland as the impact,
    - ii. Within or adjacent to a different wetland on the same site;
  - b. Off-Site. Locate mitigation within the same watershed or use an established wetland mitigation bank; the service area determined by the mitigation bank review team and identified in the executed mitigation bank instrument;
  - c. In-Kind. Locate or create wetlands with similar landscape position and the same hydrogeomorphic (HGM) classification based on a reference to a naturally occurring wetland system; and
  - d. Out-of-Kind. Mitigate in a different landscape position and/or HGM classification based on a reference to a naturally occurring wetland system.
3. Types of Wetland Mitigation. The various types of wetland mitigation allowed are listed below in the general order of preference.
- a. Restoration. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into:
    - i. Re-Establishment. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.



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- ii. Rehabilitation. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a degraded wetland. Re-establishment results in a gain in wetland function, but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.
- b. Creation (Establishment). The manipulation of the physical, chemical, or biological characteristics of a site with the goal of developing a wetland on an upland or deepwater site where a wetland did not previously exist. Establishment results in a gain in wetland acres. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species.
- c. Enhancement. The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify, or improve the specific function(s), or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, floodwater retention, or wildlife habitat. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations, or the proportion of open water to influence hydroperiods, or some combination of these activities.
- d. Protection/Maintenance (Preservation). Removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This includes the purchase of land or easements, repairing water control structures or fences, or structural protection such as repairing a barrier island. This term also includes activities commonly associated with the term preservation.

Preservation does not result in a gain of wetland acres, but may result in improved wetland functions.

4. Wetland Mitigation Ratios.

- a. Standard Wetland Mitigation Ratios. The following mitigation ratios for each of the mitigation types described in subsections (D)(3)(a) through (D)(3)(c) of this section apply:

**Table 16.53.050-1. Standard Wetland Mitigation Ratios (In Area)**

Wetland to be Replaced	Reestablishment or Creation	Rehabilitation	Reestablishment or Creation and Rehabilitation	Reestablishment or Creation and Enhancement	Enhancement
Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1
Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category I, Forested	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1

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Wetland to be Replaced	Reestablishment or Creation	Rehabilitation	Reestablishment or Creation and Rehabilitation	Reestablishment or Creation and Enhancement	Enhancement
Category I, Based on Score for Functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I, Natural Heritage Site	Not considered possible	6:1 Rehabilitate a natural heritage site	N/A	N/A	Cas e-by-case

- b. Preservation. The responsible official has the authority to approve preservation of existing wetlands as wetland mitigation under the following conditions:
- i. The wetland area being preserved is a Category I or II wetland, or is within a WDFW priority habitat or species area;
  - ii. The preservation area is at least one acre in size;
  - iii. The preservation area is protected in perpetuity by a covenant or easement that gives the city clear regulatory and enforcement authority to protect existing wetland and wetland buffer functions with standards that exceed the protection standards of this chapter;
  - iv. The preservation area is not an existing or proposed wetland mitigation site; and
  - v. The following preservation/mitigation ratios apply:

**Table 16.53.050-2. Wetland Preservation Ratios for Categories I and II Wetlands (In Area)**

Habitat Function of Wetland to be Replaced	In Addition to Standard Mitigation		As the Only Means of Mitigation	
	Full and Functioning Buffer	Reduced and/or Degraded Buffer	Full and Functioning Buffer	Reduced and/or Degraded Buffer
Low (<20 points)	10:1	14:1	20:1	30:1
Moderate (20 - 30 points)	13:1	17:1	30:1	40:1
High (>30 points)	16:1	20:1	40:1	50:1

- c. The responsible official has the authority to reduce wetland mitigation ratios under any of the following circumstances:

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- i. Documentation by a qualified wetland specialist demonstrates that the proposed mitigation actions have a very high likelihood of success based on prior experience;
  - ii. Documentation by a qualified wetland specialist demonstrates that the proposed actions for compensation will provide functions and values that are significantly greater than the wetland being affected;
  - iii. The proposed actions for compensation are conducted in advance of the impact and are shown to be successful;
  - iv. In wetlands where several HGM classifications are found within one delineated wetland boundary, the areas of the wetlands within each HGM classification can be scored and rated separately and the mitigation ratios adjusted accordingly, if all the following apply:
    - (A) The wetland does not meet any of the criteria for wetlands with "Special Characteristics," as defined in the rating system,
    - (B) The rating and score for the entire wetland is provided, as well as the scores and ratings for each area with a different HGM classification,
    - (C) Impacts to the wetland are all within an area that has a different HGM classification from the one used to establish the initial category, and
    - (D) The proponents provide adequate hydrologic and geomorphic data to establish that the boundary between HGM classifications lies at least fifty feet outside of the footprint of the impacts.
5. Alternate Wetland Mitigation.
- a. Wetland Mitigation Banking.
    - i. Construction, enhancement, or restoration of wetlands to use as mitigation for future wetland development impacts is permitted subject to the following:
      - (A) A wetland permit shall be obtained prior to any mitigation banking. If a wetland permit is not obtained prior to mitigation bank construction, mitigation credit shall not be awarded. On projects proposing off-site wetland banking in addition to required wetland mitigation, a separate wetland permit shall be required for each activity. The performance and maintenance bond requirements of subsections (H)(3)(c) and (H)(3)(d) of this section shall not be applicable, provided there are no requests for mitigation credit prior to the city determining the mitigation banking is successful. If mitigation banking is not fully functioning, as defined in the wetland permit, at the time mitigation credit is requested, subsections (H)(3)(c) and (H)(3)(d) of this section shall apply,
      - (B) Federal and state wetland regulations, if applicable, may supersede city requirements;
    - ii. The mitigation credit allowed will be determined by the city, based on the wetland category, condition, and mitigation ratios as specified in subsection (D)(4) of this section. Prior to granting mitigation banking credit, all wetland mitigation banking areas must comply with Section 16.53.040(E)(4)(b) and (E)(4)(c), and, if applicable, subsection (H)(3) of this section;
    - iii. On projects proposing off-site wetland banking in addition to required wetland mitigation, a separate permit fee will be required for each activity;

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- iv. Purchase of banked wetland credits is permitted to mitigate for wetland impacts in the same watershed, provided the applicant has minimized wetland impacts, where reasonably possible, and the following requirements are met:
    - (A) Documentation, in a form approved by the city, adequate to verify the transfer of wetland credit shall be submitted, and
    - (B) A plat note, along with information on the title, shall be recorded in a form approved by the city as adequate to give notice of the requirements of this section being met by the purchase of banked wetland credits.
  - b. Cumulative Effects Fund. The city may accept payment of a voluntary contribution to an established cumulative effects fund for off-site watershed scale habitat and wetland conservation in lieu of wetland mitigation of unavoidable impacts in the following cases:
    - i. Residential building permits where on-site enhancement and/or preservation is not adequate to meet the requirements of subsection (D)(4) of this section;
    - ii. Approved reasonable use exceptions where sufficient on-site wetland and wetland buffer mitigation is not practical;
    - iii. Small impacts affecting less than 0.10 acre of wetland where on-site enhancement and/or preservation is not adequate to meet the requirements of subsection (D)(4) of this section; or
    - iv. As an additional mitigation measure when all other mitigation options have been applied to the greatest extent practicable.
  - 6. Stormwater Facilities. Stormwater facilities are allowed in wetlands with habitat scores less than twenty on the rating form, in compliance with the following requirements:
    - a. Stormwater detention and retention necessary to maintain wetland hydrology is authorized; provided, that the responsible official finds that wetland functions will not be degraded; and
    - b. Stormwater runoff is treated for water quality in accordance with the requirements of Section 17.19.040(C)(3) prior to discharge into the wetland.
  - 7. Utility Crossings. Crossing wetlands by utilities is allowed, provided the activity is not prohibited by subsection (D)(1) of this section, and provided all the following conditions are met:
    - a. The activity does not result in a decrease in wetland acreage or classification;
    - b. The activity results in no more than a short-term six month decrease in wetland functions; and
    - c. Impacts to the wetland are minimized.
  - 8. Other Activities in a Wetland. Activities not involving stormwater management, utility crossings, or wetland mitigation are allowed in a wetland, provided the activity is not prohibited by subsection (D)(1) of this section, and provided all the following conditions are met:
    - a. The activity shall not result in a reduction of wetland acreage or function; and
    - b. The activity is temporary and shall cease or be completed within three months of the date the activity begins.
- E. Mitigation Plans.
- 1. General. Mitigation plans are required for activities in a buffer or wetland. Content requirements which are inappropriate and inapplicable to a project may be waived by the responsible official upon request of the applicant at or subsequent to the pre-application consultation provided for in subsection (F)(1) of this section.

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2. Preliminary Mitigation Plan. The purpose of the preliminary plan is to determine the feasibility of the project before extensive resources are devoted to the project. The responsible official may waive the requirement for a preliminary mitigation plan when a wetland permit is not associated with a development permit application (listed in Section 16.53.010(B)). The preliminary mitigation plan consists of two parts: baseline information for the site and a conceptual plan. If off-site wetland mitigation is proposed, baseline information for both the project site and mitigation site is required.
  - a. Baseline information shall include:
    - i. Wetland delineation report as described in Section 16.53.030(D)(2);
    - ii. Copies of relevant wetland jurisdiction determination letters, if available, such as determinations of prior converted crop lands, correspondence from state and federal agencies regarding prior wetland delineations, etc.;
    - iii. Description and maps of vegetative conditions at the site;
    - iv. Description and maps of hydrological conditions at the site;
    - v. Description of soil conditions at the site based on a preliminary on-site analysis;
    - vi. A topographic map of the site; and
    - vii. A functional assessment of the existing wetland and buffer.
      - (A) Application of the rating system in Section 16.53.020(B) will generally be considered sufficient for functional assessment,
      - (B) The responsible official may accept or request an alternate functional assessment methodology when the applicant's proposal requires detailed consideration of specific wetland functions,
      - (C) Alternate functional assessment methodologies used shall be scientifically valid and reliable.
  - b. The contents of the conceptual mitigation plan shall include:
    - i. Goals and objectives of the proposed project;
    - ii. A wetland buffer width reduction plan, if width reductions are proposed, that includes:
      - (A) The land use intensity, per Table 16.53.040-4, of the various elements of the development adjacent to the wetlands,
      - (B) The wetland buffer width(s) required by Tables 16.53.040-1, 16.53.040-2 and 16.53.040-3,
      - (C) The proposed buffer width reductions, including documentation that proposed buffer width reductions fully protect the functions of the wetland in compliance with subsection C of this section;
    - iii. A wetland mitigation plan that includes:
      - (A) A sequencing analysis for all wetland impacts,
      - (B) A description of all wetland impacts that require mitigation under this chapter, and
      - (C) Proposed mitigation measures and mitigation ratios;
    - iv. Map showing proposed wetland and buffer. This map should include the existing and proposed buffers and all proposed wetland impacts regulated under this chapter;

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- v. Site plan;
  - vi. Discussion and map of plant material to be planted and planting densities;
  - vii. Preliminary drainage plan identifying location of proposed drainage facilities including detention structures and water quality features (e.g., swales);
  - viii. Discussion of water sources for all wetlands on the site;
  - ix. Project schedule;
  - x. Discussion of how the completed project will be managed and monitored; and
  - xi. A discussion of contingency plans in case the project does not meet the goals initially set for the project.
3. Final Mitigation Plan. The contents of the final mitigation plan shall include:
- a. The approved preliminary mitigation plan and all conditions imposed on that plan. If the preliminary mitigation plan requirement is waived, the final plan shall include the content normally required for the preliminary plan listed in this section.
  - b. Performance Standards. Specific criteria shall be provided for evaluating whether or not the goals and objectives of the mitigation project are being met. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological, or hydrological criteria.
  - c. Detailed Construction Plans. Written specifications for the mitigation project shall be provided. The specifications shall include: the proposed construction sequence, grading and excavation details, water and nutrient requirements for planting, specification of substrate stockpiling techniques, and planting instructions, as appropriate. These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.
  - d. Monitoring Program. The mitigation plan shall include a description of a detailed program for monitoring the success of the mitigation project.
    - i. The mitigation project shall be monitored for a period necessary to establish that the mitigation is successful, but not for a period of less than five years. Creation of forested wetland mitigation projects shall be monitored for a period of at least ten years;
    - ii. Monitoring shall be designed to measure the performance standards outlined in the mitigation plan and may include but not be limited to:
      - (A) Establishing vegetation plots to track changes in plant species composition and density over time,
      - (B) Using photo stations to evaluate vegetation community response,
      - (C) Sampling surface and subsurface waters to determine pollutant loading, and changes from the natural variability of background conditions (pH, nutrients, heavy metals),
      - (D) Measuring base flow rates and stormwater runoff to model and evaluate water quality predictions, if appropriate,
      - (E) Measuring sedimentation rates, if applicable, and

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- (F) Sampling fish and wildlife populations to determine habitat utilization, species abundance and diversity;
  - iii. A monitoring protocol shall be included outlining how the monitoring data will be evaluated by agencies that are tracking the progress of the project;
  - iv. Monitoring reports shall be submitted annually, or on a pre-arranged alternate schedule, for the duration of monitoring period;
  - v. Monitoring reports shall analyze the results of monitoring, documenting milestones, successes, problems, and recommendations for corrective and/or contingency actions to ensure success of the mitigation project.
  - e. Associated Plans and Other Permits. To ensure consistency with the final mitigation plan, associated plans and permits shall be submitted, including, but not limited to:
    - i. Engineering construction plans;
    - ii. Final site plan or proposed plat;
    - iii. Final landscaping plan;
    - iv. Habitat permit;
    - v. WDFW HPA;
    - vi. USACE Section 404 permit; and
    - vii. WDOE Administrative Order or Section 401 certification.
  - f. Evidence of Financial and Scientific Proficiency. A description of how the mitigation project will be managed during construction and the scientific capability of the designer to successfully implement the proposed project. In addition, a demonstration of the financial capability of the applicant to successfully complete the project and ensure it functions properly at the end of the specific monitoring period.
  - g. Contingency Plan. Identification of potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.
- F. Wetland Permit—Application.
- 1. Pre-Permit Consultation. Any person intending to apply for a wetland permit is encouraged, but not required, to meet with the department during the earliest possible stages of project planning in order to discuss wetland impact avoidance, minimization, compensatory mitigation, and the required contents of a mitigation plan before significant commitments have been made to a particular project design. Effort put into pre-permit consultations and planning will help applicants create projects which will be more quickly and easily processed.
  - 2. Applications. Applications for wetland permits shall be made to the department on forms furnished by the department and in conformance with Section 16.53.030
  - 3. Fees. At the time of application, the applicant shall pay a filing fee in accordance with the most current fee schedule adopted by the city.
- G. Wetland Permit—Processing.
- 1. Procedures. Wetland permit applications shall be processed using the application procedures in Chapter 18.55 unless specifically modified herein:
    - a. Type I Wetland Permit. The following wetland permits shall be reviewed under the Type I review process in accordance with CMC Chapter 18.55

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- i. Buffer modification only;
      - ii. Wetland impacts resulting in less than 0.10 acre of direct wetland impact;
      - iii. Wetland permits associated with residential building permits, regardless of impact;
      - iv. Re-authorization of approved wetland permits;
      - v. Programmatic wetland permits that are SEPA exempt.
    - b. Type II Wetland Permit. The following wetland permits shall be reviewed under the Type II review process in accordance with CMC Chapter 18.55
      - i. Wetland impacts resulting in 0.10 acre, or more, of direct wetland impact, other than residential building permits;
      - ii. Programmatic wetland permits that require SEPA review;
      - iii. Programmatic permit applications subject to Type II review shall not be subject to the notice requirements of Chapter 18.55. Within fourteen calendar days after the date an application is accepted as fully complete, the city shall publish in a newspaper of general circulation a summary of the notice, including the date, time, and manner of making comments, the nature and location of the proposal, and instructions for obtaining further information.
    - c. Type III Wetland Permit. Reasonable use exceptions, other than residential permits, made under Section 16.53.010(B)(3), shall be reviewed under the Type III review process described in Chapter 18.55
  2. Consolidation. The department shall, to the extent practicable and feasible, consolidate the processing of wetland permits with other city regulatory programs which affect activities in wetlands, such as SEPA review, subdivision, grading, and site plan approval, so as to provide a timely and coordinated permit process. Where no other city permit or approval is required for the wetland activity, the wetland permit shall be processed in accordance with a Type II process under Chapter 18.55
  3. Notification. In addition to notices otherwise required, notice of application shall be given to federal and state agencies that have jurisdiction over, or an interest in, the affected wetlands. This notice may be incorporated into a SEPA comment period.
- H. Wetland Permit—Preliminary Approval.
1. Decision Maker. A wetland permit application which has been consolidated with another permit or approval request which requires a public hearing (e.g., preliminary plat) shall be heard and decided in accordance with the procedures applicable to such other request. Any other wetland permit application shall be acted on by the responsible official within the timeline specified in Chapter 18.55 for the required permit type.
  2. Findings. A decision preliminarily approving or denying a wetland permit shall be supported by findings of fact relating to the standards and requirements of this chapter.
  3. Conditions. A decision preliminarily approving a wetland permit shall incorporate at least the following as conditions:
    - a. The approved preliminary mitigation plan;
    - b. Applicable conditions provided for in subsection (E)(3) of this section;
    - c. Posting of a performance assurance pursuant to subsection J of this section; and
    - d. Posting of a maintenance assurance pursuant to subsection J of this section.



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4. Duration. Wetland permit preliminary approval shall be valid for a period of three years from the date of issuance or termination of administrative appeals or court challenges, whichever occurs later, unless:
  - a. A longer period is specified in the permit; or
  - b. The applicant demonstrates good cause to the responsible official's satisfaction for an extension not to exceed an additional one year.
- I. Wetland Permit—Final Approval.
  1. Issuance. The responsible official shall issue final approval of the wetland permit authorizing commencement of the activity permitted thereby upon:
    - a. Submittal and approval of a final mitigation plan pursuant to subsection (E)(3) of this section;
    - b. Installation and approval of field markings as required by Section 16.53.040(C)(2);
    - c. The recording of a conservation covenant as required by Section 16.53.040(C)(3) and included on the plat, short plat, or site plan as required by Section 16.53.040(C)(4);
    - d. The posting of a performance assurance as required by subsection (H)(3) of this section.
  2. Duration.
    - a. Wetland or Wetland Buffer Impacts. Final approval shall be valid for the period specified in the final wetland permit, or the associated development approval. Extension of the permit shall only be granted in conjunction with extension of an associated permit.
    - b. Compensatory Mitigation. The compensatory mitigation requirements of the permit shall remain in effect for the duration of the monitoring and maintenance period specified in the approval.
- J. Wetland Permit Financial Assurances.
  1. Types of Financial Assurances. The responsible official shall accept the following forms of financial assurances:
    - a. An escrow account secured with an agreement approved by the responsible official;
    - b. A bond provided by a surety for estimates that exceed five thousand dollars;
    - c. A deposit account with a financial institution secured with an agreement approved by the responsible official;
    - d. A letter of commitment from a public agency; and
    - e. Other forms of financial assurance determined to be acceptable by the responsible official.
  2. Financial Assurance Estimates. The applicant shall submit itemized cost estimates for the required financial assurances. The responsible official may adjust the estimates to ensure that adequate funds will be available to complete the specified compensatory mitigation upon forfeiture. In addition the cost estimates must include a contingency as follows:
    - a. Estimates for bonds shall be multiplied by one hundred fifty percent;
    - b. All other estimates shall be multiplied by one hundred ten percent.
  3. Waiver of Financial Assurances. For Type I wetland permits, the responsible official may waive the requirement for one or both financial assurances if the applicant can demonstrate to the responsible official's satisfaction that posting the required financial assurances will constitute a significant hardship.

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4. Acceptance of Work and Release of Financial Assurances.
  - a. Release of Performance Assurance. Upon request, the responsible official shall release the performance assurance when the following conditions are met:
    - i. Completion of construction and planting specified in the approved compensatory mitigation plan;
    - ii. Submittal of an as-built report documenting changes to the compensatory mitigation plan that occurred during construction;
    - iii. Field inspection of the completed site(s); and
    - iv. Provision of the required maintenance assurance.
  - b. Release of Maintenance Assurance. Upon request, the responsible official shall release the maintenance assurance when the following conditions are met:
    - i. Completion of the specified monitoring and maintenance program;
    - ii. Submittal of a final monitoring report demonstrating that the goals and objectives of the compensatory mitigation plan have been met as demonstrated through:
      - (A) Compliance with the specific performance standards established in the wetland permit, or
      - (B) Functional assessment of the mitigation site(s), and
      - (C) Field inspection of the mitigation site(s).
  - c. Incremental Release of Financial Assurances. The responsible official may release financial assurances incrementally only if specific milestones and associated costs are specified in the compensatory mitigation plan and the document legally establishing the financial assurance.
5. Transfer of Financial Assurances. The responsible official may release financial assurances at any time if equivalent assurances are provided by the original or a new permit holder.
6. Forfeiture. If the permit holder fails to perform or maintain compensatory mitigation in accordance with the approved wetland permit, the responsible official may declare the corresponding financial assurance forfeit pursuant to the following process:
  - a. The responsible official shall, by registered mail, notify the wetland permit holder/agent that is signatory to the financial assurance, and the financial assurance holder of nonperformance with the terms of the approved wetlands permit;
  - b. The written notification shall cite a reasonable time for the permit holder, or legal successor, to comply with provisions of the permit and state the city's intent to forfeit the financial assurance should the required work not be completed in a timely manner;
  - c. Should the required work not be completed timely, the city shall declare the assurance forfeit;
  - d. Upon forfeiture of a financial assurance, the proceeds thereof shall be utilized either to correct the deficiencies which resulted in forfeiture or, if such correction is deemed by the responsible official to be impractical or ineffective, to enhance other wetlands in the same watershed or contribute to an established cumulative effects fund for watershed scale habitat and wetland conservation.
- K. Programmatic Permits for Routine Maintenance and Operations of Utilities and Public Facilities. The responsible official may issue programmatic wetland permits for routine maintenance and operations of utilities and public facilities within wetlands and wetland buffers, and for wetland enhancement

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programs. It is not the intent of the programmatic permit process to deny or unreasonably restrict a public agency or utility's ability to provide services to the public. Programmatic permits only authorize activities specifically identified in and limited to the permit approval and conditions.

1. Application Submittal Requirements. Unless waived by the responsible official with specific findings in the approval document in accordance with subsection (K)(2) of this section, applications for programmatic wetland permits shall include a programmatic permit plan that includes the following:
  - a. A discussion of the purpose and need for the permit;
  - b. A description of the scope of activities in wetlands and wetland buffers;
  - c. Identification of the geographical area to be covered by the permit;
  - d. The range of functions and values of wetlands potentially affected by the permit;
  - e. Specific measures and performance standards to be taken to avoid, minimize, and mitigate impacts on wetland functions and values including:
    - i. Procedures for identification of wetlands and wetland buffers,
    - ii. Maintenance practices proposed to be used,
    - iii. Restoration measures,
    - iv. Mitigation measures and assurances,
    - v. Annual reporting to the responsible official that documents compliance with permit conditions and proposes any additional measures or adjustments to the approved programmatic permit plan,
    - vi. Reporting to the responsible official any specific wetland or wetland buffer degradations resulting from maintenance activities when the degradation occurs or within a timely manner,
    - vii. Responding to any department requests for information about specific work or projects,
    - viii. Procedures for reporting and/or addressing activities outside the scope of the approved permit, and
    - ix. Training all employees, contractors and individuals under the supervision of the applicant who are involved in permitted work.
2. Findings. A decision preliminarily approving or denying a programmatic wetland permit shall be supported by findings of fact relating to the standards and requirements of this chapter.
3. Approval Conditions. Approval of a programmatic wetland permit shall incorporate at least the following as conditions:
  - a. The approved programmatic permit plan;
  - b. Annual reporting requirements; and
  - c. A provision stating the duration of the permit.
4. Duration and Re-authorization.
  - a. The duration of a programmatic permit is for five years, unless:
    - i. An annual performance based re-authorization program is approved within the permit; or

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- ii. A shorter duration is supported by findings.
    - b. Requests for re-authorization of a programmatic permit must be received prior to the expiration of the original permit.
      - i. Re-authorization is reviewed and approved through the process described in subsection (K)(1) of this section.
      - ii. Permit conditions and performance standards may be modified through the re-authorization process.
      - iii. The responsible official may temporarily extend the original permit if the review of the re-authorization request extends beyond the expiration date.
- L. Wetland Permit—Emergency.
  - 1. Authorization. Notwithstanding the provisions of this chapter or any other laws to the contrary, the responsible official may issue prospectively or, in the case of imminent threats, retroactively a temporary emergency wetlands permit if:
    - a. The responsible official determines that an unacceptable threat to life or loss of property will occur if an emergency permit is not granted; and
    - b. The anticipated threat or loss may occur before a permit can be issued or modified under the procedures otherwise required by this act and other applicable laws.
  - 2. Conditions. Any emergency permit granted shall incorporate, to the greatest extent practicable and feasible, but not inconsistent with the emergency situation, the standards and criteria required for nonemergency activities under this act and shall:
    - a. Be limited in duration to the time required to complete the authorized emergency activity, not to exceed ninety days; and
    - b. Require, within this ninety-day period, the restoration of any wetland altered as a result of the emergency activity, except that if more than the ninety days from the issuance of the emergency permit is required to complete restoration, the emergency permit may be extended to complete this restoration.
  - 3. Notice. Notice of issuance of an emergency permit shall be published in a newspaper having general circulation in the city of Camas not later than ten days after issuance of such permit.
  - 4. Termination. The emergency permit may be terminated at any time without process upon a determination by the responsible official that the action was not or is no longer necessary to protect human health or the environment.
- M. Revocation. In addition to other remedies provided for elsewhere in this chapter, the responsible official may suspend or revoke wetland permit(s) issued in accordance with this chapter and associated development permits, pursuant to the provisions of Title 18 of the Camas Municipal Code, if the applicant or permittee has not complied with any or all of the conditions or limitations set forth in the permit, has exceeded the scope of work set forth in the permit, or has failed to undertake the project in the manner set forth in the permit.
- N. Enforcement. At such time as a violation of this chapter has been determined, enforcement action shall be commenced in accordance with the enforcement provisions of CMC Chapter 18.55, and may also include the following:
  - 1. Applications for city land use permits on sites that have been cited or issued an administrative notice of correction or order under Title 18, or have been otherwise documented by the city for activities in violation of this chapter, shall not be processed for a period of six years provided:
    - a. The city has the authority to apply the permit moratorium to the property;

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- b. The city records the permit moratorium; and
  - c. The responsible official may reduce or wave the permit moratorium duration upon approval of a wetland permit under this section.
2. Compensatory mitigation requirements under subsections C and D of this section may be increased by the responsible official as follows:
- a. All or some portion of the wetland or wetland buffer impact cannot be permitted or restored in place; and
  - b. Compensatory mitigation for the impact is delayed more than one year from the time of the original citation or documentation of the violation.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

\* If priority habitats are not present in the vicinity of the proposed land use, criterion (ii) is sufficient for buffer width reductions. The development of these measures and their review by the city, which may include referral to independent qualified professionals, shall be at the applicant's expense. If proposed future land uses are more intense, they are not eligible to maintain this reduction.

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**Chapter 16.57 FREQUENTLY FLOODED AREAS**

**Sections:**

- 16.57.010 Applicability.
- 16.57.020 Uses and activities prohibited.
- 16.57.030 Critical area report—Additional requirements.
- 16.57.040 Warning and disclaimer of liability.
- 16.57.050 Performance standards—General requirements.
- 16.57.060 Performance standards—Specific uses.
- 16.57.070 Recreational vehicles.
- 16.57.080 Variations—Additional considerations for frequently flooded areas.

**16.57.010 Applicability.**

- A. Frequently Flooded Areas. Frequently flooded areas include: The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Clark County, Washington, and incorporated areas" dated September 5, 2012, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRM). The study is the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Maps, and the water surface elevation of the base flood. The study and FIRM are on file at the City of Camas. The best available information for flood hazard area identification as outline in Section 16.57.050(C) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized. The flood insurance study and accompanying rate maps are hereby adopted by reference, and declared part of this chapter. These are minimum designations; the director may identify additional areas.
- B. Use of Additional Information. The director may use additional flood information that is more restrictive ~~or detailed~~ than that provided in the flood insurance study conducted by the Federal Emergency Management Agency (FEMA) to designate frequently flooded areas, including data on channel migration, historical data, high water marks, photographs of past flooding, location of restrictive floodways, maps showing future build-out conditions, maps that show riparian habitat areas, or similar information.
- C. Flood Elevation Data. When base flood elevation data is not available (Zone A), the director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer this chapter.
- D. For the purposes of this chapter, definitions are generally found in CMC Section 18.03  
(Ord. 2517 § 1 (Exh. A (part)), 2008)  
(Ord. No. 2647, § 1(Exh. A), 5-21-2012)

**16.57.020 Uses and activities prohibited.**

- A. Critical Facilities. Construction of new critical facilities shall be permissible within frequently flooded areas if no feasible alternative site is available. Critical facilities constructed within frequently flooded

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areas shall have the lowest floor elevated three feet or more above the level of the base flood elevation (one hundred year flood), or to the height of the five hundred-year flood, whichever is higher. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible. Certification by a registered professional engineer is required.

- B. Wells.
- C. On-site sewage or waste disposal systems.
- D. Lots (Includes residential and non-residential). There shall be no increase in lots within frequently flooded areas. No additional lots shall be created within a frequently flooded area. Divisions of land shall have the frequently flooded areas designated as separate tract(s) and not included within any additional lot.
- E. Development in Floodways.
  - 1. New Development Requires Certification by an Engineer. Encroachments, including new construction, substantial improvements, fill, and other development, are prohibited within designated floodways unless certified by a registered professional engineer. Such certification shall demonstrate through hydrologic and hydraulic analyses, performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge. Small projects that are solely to protect or create fish habitat, and designed by a qualified professional, may be allowed without certification if the director determines that the project will not obstruct flood flows. Fish protection projects shall be reviewed on behalf of the City by a qualified professional in the field of hydraulics.
  - 2. Residential Construction and Reconstruction Prohibited. Construction and reconstruction of residential structures is prohibited within floodways, except for:
    - a. Maintenance or repairs to a structure that do not increase the ground floor area; and
    - b. Repairs, reconstruction, or improvements to a structure for which the cost does not exceed fifty percent of the market value of the structure either:
      - i. Before the repair or reconstruction is started; or
      - ii. If the structure has been damaged and is being restored, before the damage occurred.
    - c. Improvement to a building to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the City, and that are the minimum necessary to assure safe living conditions, or to structures identified as historic places shall not be included in the fifty percent.
  - 3. If Section E(1) above is satisfied, all new construction and substantial improvements must also comply with all applicable flood hazard reduction provisions.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

(Ord. No. 2647, § I(Exh. A), 5-21-2012)

**16.57.030 Critical area report—Additional requirements.**

In addition to the items listed in CMC 16.51.140 Critical Area Reporting, the following is required:

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- A. Prepared by a Qualified Professional. A frequently flooded areas report shall be prepared by a qualified professional who is a hydrologist, or engineer, who is licensed in the state of Washington, with experience in preparing flood hazard assessments.
- B. Area Addressed in Critical Area Report. The following areas shall be addressed in a critical area report for frequently flooded areas:
  - 1. The site area of the proposed activity;
  - 2. All areas of a special flood hazard area, as indicated on the flood insurance rate map(s), within three hundred feet of the project area; and
  - 3. All other flood areas indicated on the flood insurance rate map(s) within three hundred feet of the project area.
- C. Flood Hazard Assessment Required. A critical area report for a proposed activity within a frequently flooded area shall contain a flood hazard assessment, including the following site- and proposal-related information at a minimum:
  - 1. Site and Construction Plans. A copy of the site and construction plans for the development proposal showing:
    - a. Floodplain (one hundred-year flood elevation), ten- and fifty-year flood elevations, floodway, other critical areas, management zones, and shoreline areas;
    - b. Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the floodplain;
    - c. Clearing limits; and
    - d. Elevation of the lowest floor (including basement) of all buildings, and the level to which any building has been floodproofed;
  - 2. Floodproofing Certificate (FEMA Form 81-65, most current edition). When floodproofing is proposed for a non-residential building, a certification by a registered professional engineer or architect that the floodproofing methods meet the requirements in CMC Section 16.57.050(F); and
  - 3. Watercourse Alteration. When watercourse alteration is proposed, the critical area report shall include:
    - a. Extent of Watercourse Alteration. A description of and plan showing the extent to which a watercourse will be altered or relocated as a result of proposal, and
    - b. Maintenance Program Required for Watercourse Alterations. A maintenance program that provides maintenance practices for the altered or relocated portion of the watercourse to ensure that the flood carrying capacity is not diminished.
- D. Information Regarding Other Critical Areas. Potential impacts to wetlands, fish and wildlife habitat, and other critical areas shall be addressed in accordance with the applicable sections of these provisions.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

(Ord. No. 2647, § 1(Exh. A), 5-21-2012)



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**16.57.040 Warning and disclaimer of liability.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purpose and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by human or natural causes. This chapter does not imply that land outside frequently flooded areas, or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of City of Camas, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter, or any administrative decision lawfully made hereunder.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

(Ord. No. 2647, § I(Exh. A), 5-21-2012)

**16.57.050 Performance standards—General requirements.**

All Elevation Certificates (FEMA Form 81-31), Floodproofing Certificates for non-residential structures (FEMA Form 81-65), documents, and records pertaining to the provisions of this ordinance shall be maintained by the City for public inspection.

- A. All Necessary Permits Shall be Obtained. ~~The applicant shall provide verification to the City that all necessary permits have been obtained from those governmental agencies from which prior approval is required by federal, state or local law including Section 404 of the Federal Water Pollution Control Act Amendment of 1972, and the Endangered Species Act of 1973, as amended. A development permit shall be obtained before construction or development begins within any frequently flooded area established in Section 16.57.010. The permit shall be for all structures, including manufactured homes, as set forth in the "Definitions", and for all development, including fill and other activities, also as set forth in the "Definitions."~~
- B. Area of Special Flood Hazards with Base Flood Elevation. When the base flood elevation is provided, but a regulatory floodway has not been designated, new construction, substantial improvements, or other development, including fill, shall not be permitted within frequently flooded areas, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one inch at any point within the City limits.
- C. Areas Without Base Flood Elevation Data. Where base flood elevation data is not available (Zone A), and there is insufficient data then a report shall be submitted by a qualified professional that includes analysis of historical data and field surveys. The reports shall include reasonable mapping to ensure proposed buildings are safe from flooding and to demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one inch at any point within the City limits.
- D. Construction Materials and Methods.
  - 1. Methods that Minimize Flood Damage. All new construction and substantial improvements shall be constructed using flood resistant materials and utility equipment, and with methods and practices that minimize flood damage.
  - 2. Buildings shall be located outside the floodplain. For sites with no buildable area out of the floodplain, buildings may be allowed provided they are placed on the highest land on the site, oriented parallel to flow rather than perpendicular, and sited as far from the watercourse and other critical areas as possible. If the City detects any evidence of active

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hyporheic exchange on a site, the development shall be located to minimize disruption of such exchange.

3. Utilities Shall be Protected. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- E. Elevation Certificate Required Following Construction. Following construction of a building within the floodplain where the base flood elevation is provided, the applicant shall obtain a "finished construction" elevation certificate (FEMA Form 81-31, most current edition) from a registered professional engineer or architect that records the elevation of the lowest floor.
- F. Floodproofing (Non-Residential Only).
  1. When a building is to be floodproofed, it shall be designed and constructed using methods that meet the following requirements:
    - a. Watertight Building. The building shall be watertight with walls substantially impermeable to the passage of water below one foot above the base flood level;
    - b. Hydrostatic and Hydrodynamic Resistance. Structural components shall be capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
    - c. Certified by a Registered Professional Engineer or Architect. The building shall be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans.
  2. Floodproofing Certificate Required Following Construction. Following construction of the building, the applicant shall obtain a floodproofing certificate (FEMA Form 81-65, most current edition) from a registered professional engineer or architect that records the actual (as-built) elevation to which the building was floodproofed.
- G. Anchoring. All new construction and substantial improvements within the floodplain shall be anchored to prevent flotation, collapse, or lateral movement of the building. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frames tied to ground anchors.
- H. Fill and Grading. Fill and grading within the floodplain shall only occur upon a determination from a registered professional engineer that the fill or grading will not block side channels, inhibit channel migration, increase flood hazards to others, or be placed within a channel migration zone, whether or not the City has delineated such zones as of the time of the application. If fill or grading is located in a floodway, CMC Section 16.57.020 applies.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

(Ord. No. 2647, § I(Exh. A), 5-21-2012)

**16.57.060 Performance standards—Specific uses.**

In all special flood hazard areas the following provisions are required:

- A. Residential Units.

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1. Must be Above Base Flood Elevation. New construction or placement of residential units and substantial improvement of any residential building shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation.
  2. Areas Below the Lowest Floor. Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:
    - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
    - b. The bottom of all openings shall be no higher than one foot above grade; and
    - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
  3. Manufactured Homes. All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured homes is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. All manufactured homes shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frames ties to ground anchors. If the manufactured home is placed on a permanent footing/foundation with stem walls, CMC Section 16.57.060(A)(2) applies.
- B. Nonresidential Construction.
1. Must be Above Base Flood Elevation. New construction and substantial improvement of any commercial, industrial, or other nonresidential building shall either have the lowest floor, including basement, elevated one foot or more above the base flood elevation or, together with attendant utility and sanitary facilities, shall be floodproofed in accordance with floodproofing (Section 16.57.050(F)). Unavoidable impacts to flooded areas (from fill) need to be mitigated.
  2. Areas Below the Lowest Floor. If floodproofed, areas shall be in accordance with floodproofing (Section 16.57.050(F)). If elevated and not floodproofed, fully enclosed areas below the lowest floor shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:
    - a. A minimum of three openings having a total net area of no less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
    - b. The bottom of all openings shall be no higher than one foot above grade; and
    - c. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
- C. Utilities.
1. Shall be Designed to Minimize Infiltration of Floodwaters. All new and replacement water supply systems shall be designed to preclude infiltration of floodwaters into the systems.

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2. Sanitary Sewage Systems. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
  3. On-site Waste Disposal Systems. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. New on-site sewage disposal systems are prohibited for uses and activities prohibited from frequently flooded areas.
- D. Subdivision/Land Division Proposals.
1. All land division proposals shall:
    - a. Minimize Flood Damage. Subdivisions, short subdivisions, planned developments, and binding site plans shall be designed to minimize or eliminate flood damage to proposed buildings; and public utilities and facilities that are installed as part of such subdivisions. Sewer, gas, electrical, and water systems shall be located and constructed to minimize flood damage. Subdivisions should be designed using natural features of the landscape, and should not incorporate "flood protection" changes.
    - b. Have Adequate Drainage. Subdivisions, short subdivisions, planned developments, and binding site plans shall have adequate natural surface water drainage in accordance with City requirements to reduce exposure to flood hazards; and
    - c. Show Flood Areas on Plat Maps. Subdivisions, short subdivisions, planned developments, and binding site plans shall show the one hundred-year floodplain, floodway, and channel migration zone on the preliminary and final plat maps.
  2. Lots. No lot or portion of lot after the effective date of the ordinance codified in this title shall be established within the boundaries of a frequently flooded area.
- E. Alteration of Watercourses.
1. Shall be in Accordance with Habitat Regulations. Watercourse alterations shall only be allowed in accordance with the fish and wildlife habitat conservation areas (Chapter 16.61).
  2. Shall Not Result in Blockage. Watercourse alteration projects shall not result in blockage of side channels.
  3. Notification Required. The City shall notify adjacent communities, the Washington State Department of Ecology, and the Federal Insurance Administration of a proposed watercourse alteration at least fifteen days prior to permit issuance.
  4. Maintenance of Alterations. The applicant shall maintain the altered or relocated portion of the watercourse to ensure that the flood carrying capacity is not diminished. Maintenance shall be bonded for a period of five years, and be in accordance with an approved maintenance program.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

(Ord. No. 2647, § I(Exh. A), 5-21-2012)

**16.57.070 Recreational vehicles.**

Recreational vehicles placed on sites are required to either:

- A. Be on the site for fewer than one hundred eighty consecutive days; or

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- B. Be fully licensed and ready for highway use on its wheels, or the jacking system is attached to the site only by quick disconnect type utilities and securities devices, and has no permanently attached additions; or
- C. Meet the requirements of CMC Section 16.57.060(A)(3) and the elevation and anchoring requirements for manufactured homes.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

(Ord. No. 2647, § I(Exh. A), 5-21-2012)

**16.57.080 Variations—Additional considerations for frequently flooded areas.**

- A. Additional Variation Considerations. In review of variation requests for activities within frequently flooded areas, the City shall consider all technical evaluations, relevant factors, standards specified in this chapter, and:
  - 1. The danger to life and property due to flooding, erosion damage, or materials swept onto other lands during flood events;
  - 2. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the proposed use;
  - 3. The importance of the services provided by the proposed use to the community;
  - 4. The necessity of a waterfront location and the availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
  - 5. The safety of access to the property for ordinary and emergency vehicles;
  - 6. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters, and the effects of wave action, if applicable, expected at the site; and
  - 7. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- B. Variations shall only be issued upon a determination that the granting of a variation will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
- C. Variations shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

(Ord. No. 2647, § I(Exh. A), 5-21-2012)

## **Title 17 LAND DEVELOPMENT\***

### **Chapters:**

Chapter 17.01 - GENERAL PROVISIONS

Chapter 17.05 - ADMINISTRATION AND ENFORCEMENT

Chapter 17.07 - BOUNDARY LINE ADJUSTMENTS

Chapter 17.09 - SHORT SUBDIVISIONS\*

Chapter 17.11 - SUBDIVISIONS\*

Chapter 17.15 - BINDING SITE PLAN (BSP)

Chapter 17.19 - DESIGN AND IMPROVEMENT STANDARDS

Chapter 17.21 - PROCEDURES FOR PUBLIC IMPROVEMENTS\*

Chapter 17.23 - EXCEPTIONS, PENALTIES, SEVERABILITY, LIABILITY

Title 17 - LAND DEVELOPMENT\*

Chapter 17.01 GENERAL PROVISIONS

**Chapter 17.01 GENERAL PROVISIONS**

**Sections:**

17.01.010 Title.

17.01.020 Purpose.

17.01.030 Scope and exemptions.

17.01.040 Dedications.

17.01.050 Survey content.

**17.01.010 Title.**

This code shall be known as the "City of Camas Land Development Code."

(Ord. 2483 § 1 (Exh. A (part)), 2007; Ord. 2443 § 2 (Exh. A (part)), 2006)

**17.01.020 Purpose.**

The purpose of this code is to provide rules, regulations, requirements, and standards for development of land in the city, insuring that the public health, safety, general welfare, and design standards of the city are promoted and protected; that planned growth, development, and the conservation, protection and proper use of land are ensured; that proper provisions for all public facilities including circulation, utilities, open space, and services comply with adopted manuals and standards; and that the goals and policies of the City of Camas comprehensive plans are furthered through the development of land.

(Ord. 2483 § 1 (Exh. A (part)), 2007; Ord. 2443 § 2 (Exh. A (part)), 2006)

**17.01.030 Scope and exemptions.**

A. Scope.

1. This title is applicable to any development, division of land or modification to an existing lot or parcel line except as exempted under this title.
2. Where this code imposes greater restrictions or higher standards upon the development of land than other laws, ordinances, manuals or restrictive covenants, the provisions of this code shall prevail.
3. Land divisions shall conform to the requirements of state laws and the standards established by this title.

B. Exemptions. The provisions of this ~~Chapter-Title~~ shall not apply to:

- (1) Cemeteries and other burial plots while used for that purpose.
- (2) Any division of land made by testamentary provision or the laws of decent.
- (3) Any division of land resulting from a public dedication.
- (4) Any division of land into lots or tracts each of which is twenty acres or larger.

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### Chapter 17.01 GENERAL PROVISIONS

(5) Any division of land resulting from a conveyance of land to a municipal corporation or governmental agency for public purposes.

(Ord. No. 2612, § I(Exh. A), 2-7-2011; Ord. No. 2644, § I, 3-5-2012)

#### **17.01.040 Dedications.**

- A. Act of Dedication. The intention to dedicate real property to the public shall be evidenced by showing the dedication on the plat prepared for approval. All dedications, including easements, rights-of-way and real property shall be clearly and precisely indicated on the face of the plat. Unless specifically noted otherwise on the plat, approval of the plat for recording shall constitute acceptance of the dedications.
- B. Public Streets. All streets shown on the final plat and intended for public use shall be offered for dedication for public use.
- C. Tracts. All parcels of land shown on the final plat and intended for public use shall be offered for dedication for public use, except the approving entity may allow the conveyance of certain public improvements to be conveyed to a homeowner's association or similar nonprofit corporation.
- D. Public Trails. All regional, neighborhood and local trails as identified in the Camas parks and open space comprehensive plan, and intended for public use shall be offered for dedication for public use.
- E. Certificate. If the land division includes a dedication, the final plat shall include a certificate of dedication or reference to a separate written instrument which dedicates all required streets and other areas to the public, or the homeowner's association. The certificate or instrument of dedication shall be signed and acknowledged before a notary public by every person having any ownership interest in the lands divided and recorded as part of the final plat.

(Ord. 2483 § 1 (Exh. A (part)), 2007; Ord. 2443 § 2 (Exh. A (part)), 2006)

#### **17.01.050 Survey content.**

- A. Information. When a survey is required the following information shall be included:
  - 1. The name of the plat, graphic scale and north arrow. The survey shall be done to a reasonable scale on a standard sheet of mylar.
  - 2. Existing features such as streams, streets, railroads and structures, critical areas (wetlands, steep slopes, environmentally protected) existing wells, easements, potential lines of dispute.
  - 3. The lines and names of all existing or platted streets or other public ways, trails, parks, playgrounds, and easements adjacent to the final plat, land division or dedication, including municipal boundaries, county lines, township lines and section lines.
  - 4. Legal description of the boundaries, including the county tax serial number for each property described.
  - 5. A complete survey of the section or sections in which the plat, tract, parcel, lot or replat is located, if necessary, including:
    - a. All stakes, monuments or other evidence found on the ground and used to determine the boundaries of the land division. Location and monuments found or reset with respect to any established centerline of streets adjacent to or within the proposed land division. All other monuments found or established in making the survey of this land division or required to be installed by provisions of this title.
    - b. City or county boundary lines when crossing or adjacent to the land division.



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- c. The location and width of streets and easements intersecting the boundary of lots and tracts.
  - d. Tract, block and lot boundary lines; street rights-of-way with centerlines, dimensions, bearings, radii, arcs and central angles, points of curvature and tangent bearings. Tract boundaries, lot boundaries and street bearings shall be shown to the nearest second with basis of bearings. All distances shall be shown to the nearest one-hundredth foot.
  - e. The width and location of existing and proposed easements and rights-of-way.
- B. Residential surveys or plats shall also include the following:
1. Lot and phase numbers beginning with the number one and numbered consecutively without omission or duplication.
  2. Tracts to be dedicated to any public or private purpose shall be distinguished from lots intended for general development with notes stating their purpose and any limitations.
  3. Building Envelopes. The survey or plat shall identify the potentially buildable area, to include identification of required setbacks.
  4. Land Inventory. The land inventory shall include the following:
    - a. Total acreage;
    - b. Total developed acreage;
    - c. Total lot area;
    - d. Total infrastructure acreage (includes storm pond);
    - e. Total tract area (if not included in subsection (B)(4)(d) or (f) of this section);
    - f. Total acreage of critical areas (i.e., wetlands, steep slopes, buffer zones, stream beds, conservation areas);
    - g. Total acreage of recreational open spaces (not included in subsection (B)(4)(e) or (f) of this section i.e., that portion of land set aside for trails).
- C. Statements. The survey or plat shall include the following statements, and certificates of dedication when required:
1. A certificate with the seal of and signature of the surveyor responsible for the survey and preliminary plat: in accordance with RCW 58.09.080.
  2. Certification of examination and approval by the county assessor.
  3. Recording certificate for completion by the Clark County auditor.
  4. Signature lines for the City of Camas community development director or designee, and fire chief or designee.
  5. Certification by the ~~public works director~~city engineer or designee that the developer has complied with the following:
    - a. All improvements have been installed in accordance with the requirements of this title and with the preliminary plat approval;
    - b. All improvements meet current public works drawing standards for road, utility and drainage construction plans;
    - c. Original and reproducible mylar or electronic records in a format approved by the public works director or designee and certified by the designing engineer as being "as constructed" have been submitted for city records.
  6. All subdivision plats shall also include certificates and statements for:

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### Chapter 17.01 GENERAL PROVISIONS

- a. City of Camas finance director certificate that states there are no delinquent special assessments, and that all special assessments on any of the property that is dedicated as streets, alleys or for other public use are paid in full at the date of certification.
  - b. Signature line for the mayor of the City of Camas.
- D. Monumentation.
1. Imprinted Monument. All monuments set in land division shall be at least one-half inch by twenty-four-inch steel bar or rod, or equivalent, with durable cap imprinted with the license number of the land surveyor setting the monument.
  2. Centerline Monument. After paving, except as provided in CMC Chapter 17.19, monuments shall be driven flush with the finished road surface at the following intersections:
    - a. Centerline intersections;
    - b. Points of intersection of curves if placement falls within the paved area; otherwise, at the beginnings and endings of curves;
    - c. Intersections of the plat boundaries and street centerlines.
  3. Property Line Monumentation. All front corners, rear corners, and beginnings and endings of curbs shall be set with monuments, except as provided in CMC Chapter 17.19. In cases where street curbs are concentric and/or parallel with front right-of-way lines, front property line monumentation may be provided by brass screws or concrete nails at the intersections of curb lines and the projections of side property lines. If curb monumentation is used, it shall be noted on the plat, and also that such monumentation is good for projection of line only and not for distance.
  4. Post-Monumentation. All monuments for exterior boundaries of the land division shall be set and referenced on the plat prior to plat recording. Interior monuments need not be set prior to recording if the developer certifies that the interior monuments shall be set within ninety days of final land division construction inspection by the public works department, and if the developer guarantees such interior monumentation.
  5. Post-Monumentation Bonding. In lieu of setting interior monuments prior to final plat recording as provided in CMC Chapter 17.19. The public works director may accept a performance bond in an amount and with surety and conditions satisfactory to the director or other secure method as the public works director may require, providing for and securing the actual setting of the interior monuments.

(Ord. 2483 § 1 (Exh. A (part)), 2007; Ord. 2443 § 2 (Exh. A (part)), 2006)

## Title 17 - LAND DEVELOPMENT\*

### Chapter 17.07 BOUNDARY LINE ADJUSTMENTS

#### **Chapter 17.07 BOUNDARY LINE ADJUSTMENTS <sup>(1)</sup>**

##### **Sections:**

17.07.010 Purpose and intent.

17.07.020 Review procedures.

17.07.030 Application requirements.

17.07.040 Approval criteria.

17.07.050 Recording.

17.07.060 Expiration.

##### **17.07.010 Purpose and intent.**

It is the purpose and intent of this chapter to provide an efficient and timely process that allows consistent review of boundary line adjustments to ensure such actions do not create nonconformities with zoning and other city regulations, to provide a permanent record of boundary line adjustments, and to ensure provisions are made for necessary access and utility easements.

(Ord. No. 2576, § I, 12-21-2009)

##### **17.07.020 Review procedures.**

Boundary line adjustments shall be processed as set forth in CMC Chapter 18.55.

(Ord. No. 2576, § I, 12-21-2009)

##### **17.07.030 Application requirements.**

No application will be deemed complete nor a decision issued until a complete application is submitted to the city. A complete application consists of the following:

- A. A completed application on a form provided by the city. The application shall include the signatures of all owners of the lots involved in the boundary line adjustment, and submitted together with the application fee;
- B. A brief narrative that includes a statement of the purpose for the boundary line adjustment, demonstrating how the request can or will meet the approval criteria in Section 17.07.040
- C. A neat and readable plan, drawn to a standard decimal (engineer) scale, that includes the following information:
  1. Property lines, with those that remain in their existing location shown as a solid line, those that are being moved or removed shown as a dashed line, and those that have been relocated shown as a solid line and clearly identified as a relocated line;
  2. Dimensions of all property lines and total square footage of the lots, before and after the adjustment;
  3. Location and footprint of all structures on the site and their setbacks from existing and newly created property lines;

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4. Location and purpose of all easements and utilities on the site;
  5. Location, purpose of any newly created or extended easements proposed;
  6. Location of adjacent public roads and points of access from public road(s). If a lot does not front on a public road, demonstrate how and where access is provided; and,
  7. The location of any known critical areas located within the lots.
- D. Copies of documents that verify current ownership and legal descriptions of all parcels involved in the boundary line adjustment, such as deeds or title reports; and,
- E. Other documentation necessary to demonstrate compliance with other applicable city permits or regulations.

(Ord. No. 2576, § 1, 12-21-2009)

#### **17.07.040 Approval criteria.**

The approval authority shall approve, approve with conditions, or deny a request for a boundary line adjustment in writing based on findings addressing the following criteria:

- A. No additional lots, sites, parcels, tracts, or divisions are created.
- B. The adjustment will not create nonconforming lots, with respect to zoning dimension and area standards, zoning setbacks and lot area coverage standards identified in CMC Chapter 18.09 or to fire, building, other applicable codes.
- C. The degree of nonconformance on existing nonconforming lots with respect to zoning dimension and area standards, zoning setbacks, and floor area ratio are not increased, except that a one time exception may be allowed to create a lot that exceeds the maximum lot size permitted in the underlying zone. Any future partitioning/reduction of the oversized lot must comply with the lot size requirements of the underlying zone.
- D. All lots have legal access to a public road. Existing required private road improvements and easements are not diminished below city street standards for lots that are served by a private road, and shall not create unreasonably restrictive or hazardous access to a property;
- E. The boundary line adjustment will not result in a lot that contains area in two zone designations.
- F. Boundary line adjustments that are used to circumvent subdivision or short subdivision procedures set forth in this title are not allowed. Factors which indicate that the boundary line adjustment process is being used in a manner inconsistent with statutory intent include: numerous and frequent adjustments to existing contiguous lot boundaries, and/or a large number of contiguous lots being proposed for boundary line adjustments at the same time.
- G. Approval of a boundary line adjustments shall not result in the need for a reasonable use exception as defined in CMC 16.51
- H. Existing easements for utilities conform to adopted standards for their intended function, or they are extended, moved or otherwise altered to an approved location. The applicant shall be responsible for the relocation of any installed utilities.

(Ord. No. 2576, § 1, 12-21-2009)

#### **17.07.050 Recording.**

Upon approval, prior to recording the boundary adjustment, the following must be submitted to the community development department for review.

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Chapter 17.07 BOUNDARY LINE ADJUSTMENTS

- A. Survey of the Boundary Line Adjustment. If the approval authority finds, based upon an exhibit to the legal descriptions, that conformance with existing area and dimensional or use standards will clearly be satisfied without the need of a survey, the approval authority may waive the requirement for a survey, otherwise a survey shall be prepared by a Washington State licensed professional land surveyor.
- B. Legal descriptions of the proposed property configuration.
- C. The applicant will be responsible for recording the boundary line adjustment, including an exhibit that corresponds to the drawing approved by the city, with the Clark County auditor's office. A copy of the recorded documents must be returned to the planning division within one year.

(Ord. No. 2576, § I, 12-21-2009)

**17.07.060 Expiration.**

The boundary line adjustment application shall expire if it has not been recorded within one year from the date of approval unless a different time frame is specified in a decision for a consolidated review. Upon written request from the applicant prior to the expiration date, the community development director is authorized to grant one extension, not to exceed six months.

(Ord. No. 2576, § I, 12-21-2009)

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FOOTNOTE(S):

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**Editor's note**— Ord. No. 2576, § I, adopted December 21, 2009, amended Ch. 17.07, in its entirety, to read as herein set out. Prior to inclusion of said ordinances, Ch. 17.07 pertained to similar subject matter. See also the Code Comparative Table and Disposition List. (Back)

## Title 17 - LAND DEVELOPMENT\*

### Chapter 17.11 SUBDIVISIONS\*

#### **Chapter 17.11 SUBDIVISIONS\***

##### **Sections:**

- 17.11.010 Scope.
- 17.11.020 Decision process.
- 17.11.030 Preliminary subdivision plat approval.
- 17.11.040 Phasing.
- 17.11.050 Limitations on further subdivision.
- 17.11.060 Expiration.

##### **17.11.010 Scope.**

Any land: (a) being divided into ten or more parcels, lots or sites for the purpose of sale or gift, or (b) that has been divided under the short subdivision procedures within five years and is not eligible for further short platting pursuant to CMC Section 17.09.010, shall conform to the procedures and requirements of this chapter.

(Ord. 2483 § 1 (Exh. A (part)), 2007)

##### **17.11.020 Decision process.**

Applications for preliminary plat approval shall be processed as Type III decision subject to the provisions of CMC Chapter 18.55.

(Ord. 2483 § 1 (Exh. A (part)), 2007)

##### **17.11.030 Preliminary subdivision plat approval.**

###### **A. Preapplication.**

1. In accordance with CMC Chapter 18.55 the applicant must proceed with the formal preapplication process prior to application submittal review.
2. The applicant shall submit to the community development department the preapplication form and copies of their proposal drawn to an engineer scale on paper, showing lot sizes, topography, and overall lot dimensions.

###### **B. Application.** In addition to those items listed in CMC 18.55.110, the following items are required, in quantities specified by community development department, for a complete application for preliminary subdivision approval. Items may be waived if, in the judgment of the community development director or designee, the items are not applicable to the particular proposal:

1. Completed general application form as prescribed by the community development director, with the applicable application fees;
2. A complete and signed SEPA checklist. The SEPA submittal should also include a legal description of the parcel(s) from deed(s);
3. Complete applications for other required land use approvals applicable to the proposal;

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### Chapter 17.11 SUBDIVISIONS\*

4. A vicinity map showing location of the site;
5. A survey of existing significant trees as required under CMC Section 18.31.080
6. All existing conditions shall be delineated. Site and development plans shall provide the following information:
  - a. A plat map meeting the standards identified in CMC Section 17.01.050
  - b. Owners of adjacent land and the names of any adjacent subdivisions,
  - c. Lines marking the boundaries of the existing lot(s) (any existing lot to be eliminated should be a dashed line and so noted),
  - d. Names, locations, widths and dimensions of existing and proposed public street rights-of-way and easements and private access easements, parks and other open spaces, reservations and utilities,
  - e. Location of sidewalks, street lighting and street trees,
  - f. Location, footprint and setbacks of all existing structures on the site,
  - g. Lot area and dimensions for each lot,
  - h. Location of proposed new property lines and numbering of each lot,
  - i. Location of the proposed building envelopes and sewer tanks,
  - j. Location, dimension and purpose of existing and proposed easements. Provide recorded documents that identify the nature and extent of existing easements,
  - k. Location of any proposed dedications,
  - l. Existing and proposed topography at two-foot contour intervals extending to five feet beyond project boundaries,
  - m. Location of any critical areas and critical area buffers to indicate compliance with all applicable provisions of the critical areas legislation,
  - n. Description, location and size of existing and proposed utilities, storm drainage facilities and roads to service the lots,
  - o. Location of all existing fire hydrants within five hundred feet of the proposal;
7. For properties with slopes of ten percent or greater a preliminary grading plan will be required with the development application that shows:
  - a. Two-foot contours,
  - b. The proposed lots and existing topography,
  - c. The proposed lots with proposed topography, and
  - d. Total quantities of cut and fill;
8. Preliminary stormwater plan and report;
9. For properties with development proposed on slopes of ten percent or greater a preliminary geotechnical report will be consistent with CMC Chapter 16.59
10. Clark County assessor's maps which show the location of each property within three hundred feet of the subdivision;
11. Applicant shall furnish one set of mailing labels for all property owners as provided in CMC Section 18.55.110

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### Chapter 17.11 SUBDIVISIONS\*

12. Complete and submit a transportation impact study to determine the adequacy of the transportation system to serve a proposed development and to mitigate impacts of the proposal on the surrounding transportation system; and
  13. A narrative addressing ownership and maintenance of open spaces, stormwater facilities, public trails and critical areas, and the applicable approval criteria and standards of the Camas Municipal Code. It should also address any proposed building conditions or restrictions.
- C. Review Procedures.
1. Referral to Other Departments. Upon receipt of a complete preliminary plat application, the community development department shall transmit one copy of the preliminary plat to any department or agency deemed necessary to review the proposal.
  2. The review process shall follow the guidelines of CMC Chapter 18.55 for a Type III application.
  3. Public Notice and Public Hearing. The process for public notice, hearings, decisions and appeals shall be as provided for Type III decisions as identified in CMC Chapter 18.55
- D. Criteria for Preliminary Plat Approval. The hearings examiner decision on an application for preliminary plat approval shall be based on the following criteria:
1. The proposed subdivision is in conformance with the Camas comprehensive plan, parks and open space comprehensive plan, neighborhood traffic management plan, and any other city adopted plans;
  2. Provisions have been made for water, storm drainage, erosion control and sanitary sewage disposal for the subdivision that are consistent with current standards and plans as adopted in the Camas Design Standard Manual;
  3. Provisions have been made for road, utilities, street lighting, street trees and other improvements that are consistent with the six-year street plan, the Camas Design Standard Manual and other state adopted standards and plans;
  4. Provisions have been made for dedications, easements and reservations;
  5. The design, shape and orientation of the proposed lots are appropriate to the proposed use;
  6. The subdivision complies with the relevant requirements of the Camas land development and zoning codes, and all other relevant local regulations;
  7. Appropriate provisions are made to address all impacts identified by the transportation impact study;
  8. Appropriate provisions for maintenance of commonly owned private facilities have been made;
  9. Appropriate provisions, in accordance with RCW 58.17.110, are made for:
    - a. The public health, safety, and general welfare and for such open spaces, drainage ways, streets, or roads, alleys or other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe conditions at schools bus shelter/stops, and for students who walk to and from school, and
    - b. The public use and interest will be served by the platting of such subdivision and dedication;
  10. The application and plans shall be consistent with the applicable regulations of the adopted comprehensive plans, shoreline master plan, state and local environmental acts and ordinances in accordance with RCW 36.70B.030.

(Ord. 2483 § 1 (Exh. A (part)), 2007)

(Ord. No. 2612, § I(Exh. A), 2-7-2011)



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#### 17.11.040 Phasing.

The subdivider may develop and record the subdivision in phases. Any phasing proposal shall be submitted for review at preliminary plat. In addition to meeting criteria in CMC Chapter 18.23, approval of the phasing plan shall be based upon making the following findings:

- A. The phasing plan includes all land contained within the approved preliminary plat, including areas where off-site improvements are being made.
- B. The sequence and timing of development is identified on a map.
- C. Each phase shall consist of a contiguous group of lots that meets all pertinent development standards on its own. The phase cannot rely on future phases for meeting any city codes with the exception of storm drainage facilities. Storm drainage must be adequate for each phase, and the stormwater plan must adequately meet the needs of the entire development. Storm drainage facility must be included in the first phase.
- D. Each phase provides adequate circulation and utilities. Public works has determined that all street and other public improvements, including but not limited to erosion control improvements, are assured. Deferment of some improvements may be allowed pursuant to CMC Chapter 17.21.
- E. Specific improvements necessary for the entire development may be required to be completed with the first phase, regardless of phase design or completion schedule of future phases, e.g., storm pond must be completed regardless of area where storm pond is located.

(Ord. 2483 § 1 (Exh. A (part)), 2007)

#### 17.11.050 Limitations on further subdivision.

Any land subdivided shall not be further divided for a period of five years after the final plat is recorded. This provision applies to any lots, tracts, or parcels recorded as part of the plat.

(Ord. 2483 § 1 (Exh. A (part)), 2007)

#### 17.11.060 Expiration.

- A. ~~(Effective until December 31, 2014.) The subdivision approval shall expire within seven years of the date of preliminary plat approval by the approval authority. Upon written request by the applicant prior to the expiration date, the Director may grant an extension of not more than two years. The Director shall consider economic conditions and such other circumstances as may warrant the extension. If the Director denies a request for an extension, the developer may appeal that decision to the City Council by filing a written notice of appeal with the Director not later than thirty days after the date of the decision. Except as provided by (B) of this subsection, a final plat meeting all requirements of this chapter shall be submitted to the city for approval within seven years of the date of preliminary plat approval if the date of preliminary plat approval is on or before December 31, 2014, and within five years of the date of preliminary plat approval if the date of preliminary plat approval is on or after January 1, 2015.~~
- B. A final plat meeting all requirements of this chapter shall be submitted to the city for approval within ten years of the date of preliminary plat approval if the project is not subject to requirements adopted under chapter 90.58 RCW, and the date of preliminary plat approval is on or before December 31, 2007.
- AC. Prior to the expiration date of preliminary plat approvals as defined by (A) of this subsection (Effective December 31, 2014.) The subdivision approval shall expire within five years of the date of preliminary plat approval by the approval authority. Upon written request by the applicant, the

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### Chapter 17.11 SUBDIVISIONS\*

- | Director may grant an extension of not more than ~~four~~ two years, upon written request. The Director shall consider economic conditions and such other circumstances as may warrant the extension. If the Director denies a request for an extension, the developer may appeal that decision to the City Council by filing a written notice of appeal with the Director not later than thirty days after the date of the decision.
- | BD. For an application timely submitted pursuant to terms of CMC Section 17.11.040, city council may, upon approval of the preliminary plat, extend the proposed timeline for phased development to seven years maximum from date of preliminary approval to the final plat of the last phase.
- | CE. Expired subdivisions, or expired phases of subdivisions must make a new land use application, and shall not be permitted to amend or revise the expired preliminary plats.

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### Chapter 17.19 DESIGN AND IMPROVEMENT STANDARDS

#### **Chapter 17.19 DESIGN AND IMPROVEMENT STANDARDS**

##### **Sections:**

- 17.19.010 Applicability.
- 17.19.020 Improvements, supervision, inspections and permits required.
- 17.19.030 Tract, block and lot standards.
- 17.19.040 Infrastructure standards.

##### **17.19.010 Applicability.**

The standards set forth within this chapter are minimum standards applicable to land development. Based on the complexity or circumstances of the project or site conditions location (e.g., critical areas), the decision maker may require a land development to be designed to exceed the minimum standards or impose conditions deemed in the public interest.

(Ord. 2483 § 1 (Exh. A (part)), 2007; Ord. 2443 § 2 (Exh. A (part)), 2006)

##### **17.19.020 Improvements, supervision, inspections and permits required.**

- A. Required Improvements.
  - 1. Every developer shall be required to grade and pave streets and alleys, install curbs and gutters, sidewalks, monuments, sanitary and storm sewers, water mains, fire hydrants, street lights and street name signs, underground transmission lines, provide and install centralized mail delivery boxes as determined by the U.S. Postal Service, together with all appurtenances in accordance with specifications and standards in the Camas Design Standard Manual, the six-year street plan, and other state and local adopted standards and plans as may be applicable.
  - 2. Other improvements installed at the option of the developer shall conform to city requirements.
  - 3. Existing wells, septic tanks and septic drain fields shall be abandoned, in accordance with state and county guidelines regardless of lots or properties served by such utility unless otherwise approved by public works director.
- B. Supervision and Inspection. The city engineering department shall be responsible for the supervision and inspection of all improvements required as a condition of a land use. All improvements shall be certified in writing as completed in accordance with plans and specifications.
- C. Permits. Prior to proceeding with any improvements, the applicant shall obtain those permits from the city as are necessary. The applicant is also responsible for complying with all applicable permit requirements of other federal, state and local agencies.

(Ord. 2517 § 2, 2008; Ord. 2483 § 1 (Exh. A (part)), 2007; Ord. 2443 § 2 (Exh. A (part)), 2006)

(Ord. No. 2582, § II, 2-1-2010)

##### **17.19.030 Tract, block and lot standards.**

- A. Environmental Considerations.

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### Chapter 17.19 DESIGN AND IMPROVEMENT STANDARDS

1. Critical Areas. Land that contains a critical area or its buffer as defined in Title 16 of this code, or is subject to the flood hazard regulations, shall be platted to show the standards and requirements of the critical areas.
  2. Vegetation. In addition to meeting the requirements of CMC Chapter 18.31, Tree Regulations, every reasonable effort shall be made to preserve existing significant trees and vegetation, and integrate them into the land use design.
  3. Density transfers may be applicable if developer preserves critical areas. See Chapter 18.09 of this code.
- B. Blocks. Blocks shall be wide enough to allow two tiers of lots, except where abutting a major street or prevented by topographical conditions or size of the property, in which case the approval authority may approve a single tier.
- C. Compatibility with Existing Land Use and Plans.
1. Buffer Between Uses. Where single-family residential lots are to be adjacent to multiple-family, commercial or industrial land use districts, and where natural separation does not exist, adequate landscape buffer strips and/or solid fences for purposes of buffering sound, restricting access, pedestrian safety and privacy shall be provided.
  2. Conformity with Existing Plans. The location of all streets shall conform to any adopted plans for streets in the city. The proposed land use shall respond to and complement city ordinances, resolutions and comprehensive plans.
  3. Other City Regulations. All land use shall comply with all adopted city regulations. In the event of a conflict, the more restrictive regulation shall apply.
  4. Accessory Structures. If land development would result in an accessory structure remaining alone on a lot, the structure must be demolished before final plat approval.
- D. Lots. The lot size, width, shape and orientation shall conform to zoning provisions and the following:
1. Each lot must have frontage and access onto a public street, except as may otherwise be provided (e.g., approved private roads, access tracts);
  2. Side Lot Lines. The side lines of lots shall run at right angles to the street upon which the lots face as far as practical, or on curved streets they shall be radial to the curve;
  3. Building Envelopes. No lot shall be created without a building envelope of a size and configuration suitable for the type of development anticipated:
    - a. For single-family detached housing, a suitable size and configuration generally includes a building envelope capable of siting a forty-foot by forty-foot square dwelling within the building envelope,
    - b. Other factors in considering the suitability of the size and configuration of any residential lot include the presence of, or proximity to critical areas, adjoining uses or zones, egress and ingress, and necessary cuts and fills;
  4. Where property is zoned and planned for commercial or industrial use, in conformance to the intent of the comprehensive plan, other lot dimensions and areas may be permitted at the discretion of the approval authority;
  5. Flag lots, access tracts, and private roads may be permitted only when the community development director or designee finds the applicant meets the criteria listed hereinafter:
    - a. The pole of a flag lot must be a minimum of twenty feet wide with a minimum of twelve feet of pavement and shall serve no more than one lot,

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- b. The structure(s) accessed by a flag lot, access tract, or private road will be required to furnish a minimum of two off-street parking spaces per residential unit. Under no circumstances will required parking be allowed along the flag pole lot,
  - c. Primary structures accessed by flag lots, access tracts, or private roads are required to have automatic fire sprinklers,
  - d. An approved address sign, in accordance with the Camas Municipal Code must be posted for each residence where the flag lot leaves the public road or access tract, and
  - e. To protect the character of the immediate neighborhood, the city may impose special conditions, where feasible, including access configuration and separation, setbacks, fencing and landscaping;
6. Double Frontage Lots. Residential lots which have street frontage along two opposite lot lines shall be avoided, except for lots which provide separation of a residential development from a traffic arterial or collector, in which case additional lot depth of at least twenty feet will be provided to act as a buffer strip, or 10-foot landscape tract with 10-foot additional lot depth, or a combination of both to achieve 20-foot additional depth between the lot and the traffic arterial;
  7. Corner Lots. Corner lots may be required to be platted with additional width to allow for the additional side yard requirements;
  8. Restricted Corner Lots. Corner lots restricted from access on side yard flanking street shall be treated as interior lots and conform to front, side and rear yard interior setbacks of CMC Chapter 18.09; and
  9. Redivision. In dividing tracts into large lots which at some future time are likely to be redivided, the location of lot lines and other details of the layout shall be such that redivision may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets. Restriction of building locations in relationship to future street right-of-way shall be made a matter of record if the approval authority considers it necessary.
- E. Tracts and Trails.
1. If land division is located in the area of an officially designated trail, in accordance with the parks and recreation comprehensive plan, provisions shall be made for reservation of the right-of-way or for easements to the city for trail purposes. A minimum fifteen-foot width shall be provided for the proposed trail.
  2. Trails shall be shown as a separate layer on computer disk submitted with "as-builts" prior to final acceptance.
  3. Trails, which are dedicated to the city and part of the regional trail system, shall be surveyed and dedicated by the developer prior to final acceptance.
  4. Tracts and trails that are not dedicated to the city and are located within the subdivision, short plat or planned development are the responsibility of the homeowners to maintain. Provisions must be in writing informing the homeowners of the responsibility and outlining the maintenance procedures in accordance with city standards.
- F. Landscaping.
1. ~~With the exception of flag lots, e~~Each dwelling unit within a new development shall be landscaped with at least one tree in the planting strip of the right-of-way, or similar location in the front yard of each dwelling unit with the exception of flag lots and lots accessed by tracts. Required trees shall be a minimum two-inch diameter at breast height (dbh) to create a uniform streetscape (dbh is four and one-half feet above the ground as measured from upside of tree).

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2. The city council finds that the existing mature landscaping of trees, and shrubs provide oxygen, filter the air, contribute to soil conservation and control erosion, as well as provide the residents with aesthetic and historic benefits. For these reasons, the city encourages the retention of existing trees that are not already protected as significant trees under the Camas Municipal Code. Generally, the city may allow the tree requirements under subsection (F)(1) of this section to be reduced at the request of the developer, by a ratio of two new trees in favor of one existing tree, provided such trees have been identified on approved construction plans.
  3. Tree planting when required as a vegetative buffer, shall be ~~according to city requirements and of a species approved in the Camas Design Standard Manual~~ as approved by the city.
  4. The tree planting shall be the responsibility of the land developer and shall be installed or bonded for prior to final plat approval, or as specified in the land use decision.
  5. Landscaping shall conform to plant criteria in the Camas Design Standard Manual. Any planting of trees or shrubs within the right-of-way or vision clearance area must be shown on the construction drawings for approval.
  6. Storm drainage facilities, pump stations and other visible facilities shall be setback a minimum of thirty feet from any street or accessory structure and be landscaped in accordance with criteria in the Camas Design Standard Manual.
- G. Non-City Utility Easements. Easements for electric lines or other public utilities may be required. Easements for utilities shall be a minimum of six feet in width and centered on front or side lot lines.
- H. Watercourse Easements. Where a development is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for the purpose. Streets parallel to major watercourses may be required.
- I. Street Signs. The developer shall be responsible for the initial cost of any street name or number signs, or street markings, including installation thereof, that public works finds necessary for the development.
- J. Lighting. Street lighting shall conform to the Clark public utility standards and approved by the city. The developer shall bear the cost of the design and installation of the lighting system.
- K. All residential streets shall conform to the guidelines and standards of the city neighborhood traffic management plan.

(Ord. 2483 § 1 (Exh. A (part)), 2007; Ord. 2443 § 2 (Exh. A (part)), 2006)

(Ord. No. 2612, § I(Exh. A), 2-7-2011)

#### 17.19.040 Infrastructure standards.

Note: For the purposes of this title, the terms "street" and "road" are synonymous in meaning.

- A. Private Street: Private street(s) may be authorized when all of the following occur:
1. Allowing private streets in the area being developed will not adversely affect future circulation in neighboring lots of property or conflict with an existing adopted street plan;
  2. Adequate and reasonable provisions are made for the ownership, maintenance, and repair of all utilities and the proposed private streets;
  3. The proposed private streets can accommodate potential full (future) development on the lots or area being developed;
  4. Connect to no more than one public street, unless it is an alley;

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5. Conform to the Camas Design Standard Manual;
6. Alleys shall be privately owned and maintained;
7. Homes constructed to access from private roads shall have automatic fire sprinklers installed per NFPA 13D or 13R;
8. Access requirements for recycle service, garbage service, and emergency vehicles are provided;
9. Provisions for adequate parking enforcement are recorded within a private covenant to ensure emergency vehicle access. These provisions shall be noted on the final plat, e.g. Towing service.

#### B. Streets.

1. Half Width Improvement. Half width improvements, when determined appropriate by the City Engineer, shall include utility easements, pedestrian pathway, storm water drainage, street lighting and signage, environmental permits, provisions for mitigation improvements and mitigation areas as necessary, bike lanes, and improvements to the centerline of the right-of-way as necessary to provide the minimum structural street section per the Camas Design Standard Manual.
2. Streets abutting the perimeter of a development shall be provided in accordance with CMC 17.19.040(B)(1) above, and the Design Standard Manual. Additional paving may be required to ensure safe and efficient roads to exist to serve the land development and provide bike lanes.
3. The city engineer may approve a delay of frontage street improvements for development proposals under any of the following conditions:
  - a. If the future grade or alignment of the adjacent public street is unknown and it is not feasible to establish the grade in a reasonable period;
  - b. The immediate improvement of the street would result in a short, isolated segment of improved street;
  - c. The frontage is part of an impending or eminent city street improvement project;
  - d. Street improvements in the vicinity are unlikely to occur within six years.
4. In the event the frontage improvement is delayed, the owner must provide an approved form or financial surety in lieu of said improvements.
5. Dedication of additional right-of-way may be required for a development when it is necessary to meet the minimum street width standards or when lack of such dedication would cause or contribute to an unsafe road or intersection.
6. Extension. Proposed street systems shall extend existing streets at the same or greater width unless otherwise approved by the public works department and authorized by city council in approval of the plat.
  - a. Where appropriate, streets shall be extended to the boundaries of the plat to ensure access to neighboring properties. The city's goal is to have an integrated system of local streets whenever practical. Where platted streets touch, they shall connect and show extension to adjoining streets.
  - b. Grading of steep topography may be necessary to achieve this objective.
7. Names. All street names, street numbers, and building numbers shall be assigned in accordance with CMC 12.24
8. Right-of-way, tract and pavement widths for streets shall be based on Table 17.19.040-1 and Table 17.19.040-2.

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Table 17.19.040-1 Minimum **Private** Street Standards

Private Road/Street	Tract Width	Pavement Width	Sidewalk
A. Access to four or less dwelling units <sup>2</sup>	20'	12'	Sidewalk optional, no parking on both sides.
B. Access to five or more dwelling units less than or equal to 100' in length <sup>3</sup>	30'	20'	Five foot detached sidewalk on one side, with planter strip, no parking on both sides.
C. Access to five or more dwelling units greater than 100' and not over 300' in length <sup>3</sup>	42'	28'	Five foot detached sidewalk on one side, with planter strip, no parking on one side.
D. Access to five or more dwelling units, greater than 300 feet in length <sup>3</sup>	48'	28'	Five foot detached sidewalks required on both sides of the street, with planter strip. <u>No parking on one side.</u>
E. Alley	18'	16'	<u>None required. No parking on both sides.</u>
F. Commercial/Industrial <sup>2</sup>	40'	24'	Five foot detached sidewalk on one side, with planter strip, no parking both sides.

Table 17.19.040-2 Minimum **Public** Street Standards

Public Street	Right-of-Way	Pavement Width	Sidewalk
G. Street (by approval of City Engineer) <sup>1</sup>	52'	28'	Five foot detached sidewalk on both sides, with planter strip, no parking on one side.
H. Street (two lane)	60'	36'	Five foot detached sidewalks required on both sides of the street, with planter strip. <u>Bike lanes required on collectors and arterials, no on-street parking.</u>
I. Street (three lane)	74'	<del>48</del> 46' to include <del>14</del> 12' median	Six foot detached sidewalks required on both sides of the street, with planter strip, <u>bike lanes, no on-street parking.</u>
J. Street (five lane)/Arterial	100'	74' to include 14' median	Six foot detached sidewalks required on both sides of the street, with planter strip, <u>bike lanes, no on-street parking.</u>

**Notes to tables above:** <sup>1</sup> All buildings abutting a street designed and constructed with less than 36 feet of pavement width shall have automatic fire sprinkler systems installed that comply with NFPA 13D or 13R.

<sup>2</sup> Access to two lots or less may be designed and established as an easement rather than a tract. Garbage and recycling containers services may be restricted shall be



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placed at the public right-of-way. If roadway is less than 150 feet in length, the minimum structural road section is exempt.

<sup>3</sup> Road/Street lengths are calculated to include the cumulative network.

9. Intersections. Any intersection of streets that connect to a public street, whatever the classification, shall be at right angles as nearly as possible, shall not exceed fifteen (15) degrees, and not be offset insofar as practical. All right-of-way lines at intersections with arterial streets shall have a corner radius of not less than twelve (12) feet.
10. Street Layout. Street layout shall provide for the most advantageous development of the land development, adjoining area, and the entire neighborhood. Evaluation of street layout shall take into consideration potential circulation solutions for vehicle, bicycle and pedestrian traffic, and where feasible, street segments shall be interconnected.
  - a. While it is important to minimize the impact to the topography from creating an integrated road system, improved site development and circulation solutions shall not be sacrificed to minimize the amount of cut and fill requirements of the proposal.
  - b. Where critical areas are impacted, the standards and procedures for rights-of-way in the critical areas overlay zone shall be followed.
  - c. When the proposed development's average lot size is 7,400 square feet or less one additional off-street parking space may—shall be required for every five units— notwithstanding the requirements of CMC Chapter 18.11. These spaces are intended to be located within a common tract.
  - d. When, on the basis of topography, projected traffic usage or other relevant facts, it is unfeasible to comply with the foregoing right-of-way, tract and street width standards, the approval authority, upon recommendation from the city engineer may permit a deviation from the standards of Table 17.19.040-1 and Table 17.19.040-2.
  - e. The city engineer or designee may determine a wider width is necessary due to site circumstances, including but not limited to topography, traffic volume, street patterns, on-street parking, lot patterns, land use and bike and transit facilities that justify an increase in width.
  - f. When existing streets adjacent to or within land to be developed, are of inadequate width, additional right-of-way shall be provided at the time of land development.
11. Access Management.
  - a. Access to all marginal access streets shall be restricted so as to minimize congestion and interference with the traffic carrying capacity of such street, and to provide separation of through and local traffic. The restrictions imposed shall be in accordance with the ~~design policies and standards set forth in the Institute of Transportation Engineers Transportation and Land Development Manual, the Institute of Engineers Residential Street Design and Traffic Control Manual, and the Washington State Department of Transportation Camas Design Standard~~ Manual.
  - b. The city engineer may grant exceptions to the access restriction policies and standards when no other feasible access alternative exists.
  - c. In addition to restricting access, where a residential development abuts or contains an existing or proposed marginal street, the city may also require reverse frontage lots with suitable depth, appropriate fencing with landscaping or masonry walls contained in a non-access reservation with a minimum ten-foot width along the real property line, or such

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other treatment as may be necessary for adequate protection of residential properties and for the separation of through and local traffic.

12. Street Design. When interior to a development, publicly owned streets shall be designed and installed to full width improvement as a means of insuring the public health, safety, and general welfare in accordance with the city comprehensive plans. Full width improvements shall include utility easements, sidewalks, bike lanes as necessary, and control of storm water runoff, street lighting, and signage, as provided below.
  - a. Shall be graded as necessary to conform to Camas Design Standard Manual.
  - b. Grades shall not exceed six percent on major and secondary arterials, ten percent on collector streets, or twelve percent on any other street. However, provided there are no vehicular access points, grades may be allowed up to fifteen percent when:
    - i. Exceeding the grades would facilitate a through street and connection with a larger neighborhood;
    - ii. The greater grade would minimize disturbance of critical slopes;
    - iii. Automatic fire sprinklers are installed in all structures where the fire department response to the structure requires travel on the grade;
    - iv. Tangents, horizontal curves, vertical curves, and right-of-way improvements conform to public works department standards;
    - v. Full width improvement is required as a condition of the land use approval in accordance with city standards; and
    - vi. In flat areas allowance shall be made for finished street grades having a minimum slope of one-half percent.
  - c. Centerline radii of curves shall be not less than three hundred feet on primary arterials, two hundred feet on secondary arterials, or seventy feet on other streets.
  - d. Shall be of asphaltic concrete according to Camas Design Standard Manual.
  - e. Shall have concrete curbs and gutters. Curb return radii shall be no less than thirty-five feet on arterial and collector streets, and no less than twenty-five feet on all other streets. Larger radii may be required at the direction of the city engineer.
  - f. Shall have storm drains in accordance with the Camas Design Standard Manual.
13. Sidewalks shall be constructed as specified in Camas Design Standard Manual. See Table 17.19.040-1 and Table 17.19.040-2 for dimensions.
  - a. Prior to final acceptance of any land development, the developer shall install sidewalks, when required under Table 17.19.040-1 and Table 17.19.040-2, adjacent to or within all public or common areas or tracts, and at all curb returns. Sidewalks along individual lots may be deferred at the discretion of the city engineer until occupancy of the primary structure. Further, any trail or trails, including but not limited to the T-5 and T-1 trails, identified in the most recent Camas Parks and Open Space Plan shall be constructed prior to final acceptance;
  - b. All sidewalk areas shall be brought to sub grade by the developer at the time of improving streets.
14. Cul-de-sacs. A cul-de-sac greater than four hundred feet from the centerline-to-centerline intersections shall require special considerations to assure that garbage, recycle, and emergency vehicles have adequate access. Buildings on all lots located more than four hundred feet from the centerline-to-centerline intersections shall have automatic fire sprinklers.

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15. Turn-arounds. Adequate provisions for turn arounds shall be provided and shall be designed and installed in a manner acceptable to the city engineer, or in accordance with the Camas Design Standard Manual, if applicable.

#### C. Utilities.

1. Generally. All utilities designed to serve the development shall be placed underground and, if located within a critical area, shall be designed to meet the standards of the critical areas ordinance.
  - a. Those utilities to be located beneath paved surfaces shall be installed, including all service connections, as approved by the public works department; such installation shall be completed and approved prior to application of any surface materials.
  - b. Easements may be required for the maintenance and operation of utilities as specified by the public works department.
2. Sanitary sewers shall be provided to each lot at no cost to the city and designed in accordance with city standards.
  - a. Detached units shall have their own sewer service and STEP or STEF or conventional gravity system as required.
  - b. Duplex units may have up to two sewer services at the discretion of the engineering and public works departments.
  - c. Multifamily units shall have one sewer lateral per building.
  - d. Commercial or industrial units shall have privately owned and maintained sewer systems acceptable to the city.
  - e. Capacity, grade and materials shall be as required by the city engineer. Design shall take into account the capacity and grade to allow for desirable extension beyond the development. The city will not require the developer to pay the extra cost of required oversize sewer mains or excessive depth of mains necessary to provide for extension beyond the development.
  - f. If sewer facilities mandated by this section will, without additional sewer construction, directly serve property outside the development, equitable distribution of the costs thereof shall be made as follows:
    - i. If the property outside the development is in a stage of development wherein the installation of sewer facilities may occur, then the city council may require construction as an assessment project, with appropriate arrangements to be established with the developer to insure financing their proportional share of the construction.
    - ii. In the event the sewer facility installation is not constructed as an assessment project, then the city shall reimburse the developer an amount estimated to be equal to the proportionate share of the cost for each connection made to the sewer facilities by property owners outside of the development, limited to a period of fifteen years from the time of installation. At the time of the approval of the plat, the planning commission city shall establish the actual amount of reimbursement, considering current construction costs.
  - g. Developments that require a sanitary sewer pumping station that will be conveyed to the city for future operation and maintenance shall be shown on a separate tract, and be dedicated to the city at the time the plat is recorded.
3. Storm Drainage. The storm drainage collection system shall meet the requirements of the city's officially adopted storm water standards.

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- a. Storm drainage facilities shall be placed on their own tract or within an open space tract and are to be maintained by the homeowners within the development in accordance with city standards. Alternatively, the city may allow on a case by case basis, a development to connect to an off-site storm drainage facility provided such facility will be adequately sized and appropriate agreements are in place for maintenance of said facility. Provisions must be in writing informing the homeowners of the responsibility and outlining the maintenance procedures in accordance with adopted city standards.
  - b. Drainage facilities shall be provided within the development. When available and required by the public works department, drainage facilities shall connect to storm sewers outside of the development.
  - c. Capacity, grade and materials shall be as provided by the city engineer. Design of drainage within the development shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the development and to allow extension of the system to serve such areas.
  - d. All stormwater generated by projects shall be treated, detained, and disposed of in accordance with the applicable standards set forth in CMC 14.02. Any deviations from the aforementioned standards shall be submitted in writing to the director of public works for his review and approval.
  - e. All lots shall provide drainage for stormwater runoff from roof and footing drains to an approved drainage system. Rear yard low point area drains and/or storm drain lateral stubs connected to an approved drainage system shall be provided to each lot as necessary to prevent stormwater runoff impacts to adjoining parcels as determined by the city.
4. Water System.
- a. Each lot within a proposed development shall be served by a water distribution system designed and installed in accordance with city design standards. Locations of fire hydrants and flow rates shall be in accordance with city standards and the International Fire Code. The distance between fire hydrants, as indicated in the fire code, is allowed to be doubled when automatic fire sprinklers are installed throughout the development.
  - b. Each unit of a duplex shall have its own water service.
  - c. Multifamily units shall have one service for each building.
  - d. Landscaping in open space tracts must have a service for an irrigation meter. The owner of the tract is responsible for payment for all fees associated with the installation of the meter and the water usage.

(Ord. 2491 § 1 (Exh. A), 2007; Ord. 2483 § 1 (Exh. A (part)), 2007; Ord. 2450 § 1, 2006; Ord. 2443 § 2 (Exh. A (part)), 2006)

(Ord. No. 2545, § II, 5-4-2009; Ord. No. 2582, § III, 2-1-2010; Ord. No. 2612, § I(Exh. A), 2-7-2011)

## **Title 18 ZONING\***

### **Chapters:**

- Chapter 18.01 - GENERAL PROVISIONS
- Chapter 18.03 - DEFINITIONS\*
- Chapter 18.05 - ZONING MAP AND DISTRICTS
- Chapter 18.07 - USE AUTHORIZATION
- Chapter 18.09 - DENSITY AND DIMENSIONS
- Chapter 18.11 - PARKING
- Chapter 18.13 - LANDSCAPING
- Chapter 18.15 - SIGNS
- Chapter 18.17 - SUPPLEMENTAL DEVELOPMENT STANDARDS
- Chapter 18.18 - SITE PLAN REVIEW
- Chapter 18.19 - DESIGN REVIEW\*
- Chapter 18.20 - NORTH DWYER CREEK RESIDENTIAL OVERLAY AND PLANNED INDUSTRIAL DEVELOPMENT OVERLAYS
- Chapter 18.21 - LIGHT INDUSTRIAL/ BUSINESS PARK
- Chapter 18.22 - MIXED USE PLANNED DEVELOPMENTS (MXP)
- Chapter 18.23 - PLANNED RESIDENTIAL DEVELOPMENT (PRD)
- Chapter 18.24 - MIXED USE
- Chapter 18.25 - ROWHOUSES
- Chapter 18.26 - FLEXIBLE DEVELOPMENT
- Chapter 18.27 - ACCESSORY DWELLING UNITS
- Chapter 18.29 - MANUFACTURED HOME PARKS
- Chapter 18.31 - SENSITIVE AREAS AND OPEN SPACE\*
- Chapter 18.32 - PARK ZONING
- Chapter 18.35 - TELECOMMUNICATION ORDINANCE
- Chapter 18.37 - BUSINESS PARK
- Chapter 18.39 - HOME OCCUPATIONS
- Chapter 18.41 - NONCONFORMING LOTS, STRUCTURES AND USES
- Chapter 18.43 - CONDITIONAL USE PERMITS
- Chapter 18.45 - VARIANCES
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Title 18 - ZONING\*

Chapter 18.03 DEFINITIONS\*

**Chapter 18.03 DEFINITIONS\***

**Sections:**

18.03.010 Purpose.

18.03.020 Interpretation of terms.

18.03.030 Definitions for land uses.

18.03.040 Definitions for development terms.

18.03.050 Environmental definitions.

**18.03.010 Purpose.**

The purpose of the definitions chapter is to carry out the intent of the city's zoning-development regulations. The terms defined in this chapter are the minimum necessary to resolve questions of interpretation. Terms not defined shall hold their common and generally accepted meaning, unless specifically defined otherwise in this code.

**18.03.020 Interpretation of terms.**

- A. Terms in this title that are not defined in this chapter hold their common and accepted meaning.
- B. The following terms shall be interpreted as follows:
  - 1. Words used in the present tense include the future;
  - 2. The plural includes the singular and vice-versa;
  - 3. The words "will" and "shall" are mandatory;
  - 4. The word "may" indicates that discretion is allowed;
  - 5. The word "used" includes designed, intended, or arranged to be used;
  - 6. The masculine gender includes the feminine and vice-versa;
  - 7. The word "person" may be taken for persons;
  - 8. The word "building" includes a portion of a building or a portion of the lot on which it stands;
  - 9. Distances shall be measured horizontally unless otherwise specified;
  - 10. The word "occupied" includes designed or intended to be used.

(Ord. 2515 § 1 (Exh. A (part)), 2008)

**18.03.030 Definitions for land uses.**

For the purposes of this title, the following definitions shall apply:

"Adult Entertainment Facility" see CMC Chapter 5.36 Sexually Oriented Business.

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"Adult family home" means ~~the regular family abode of a person or persons who are providing personal care, room and board to more than one but not more than four adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of six adults may be permitted if the Washington State Department of Social and Health Services determines that the home and the provider are capable of meeting standards and qualifications provided for by law~~ residential home in which a person or persons provide personal care, special care, room, and board to more than one, but not more than six adults who are not related by blood or marriage to the person or persons providing the services. Adult family homes are a permitted use in all areas zoned for residential use.

Animal Kennel. See "Kennel."

"Antique shop" means an establishment engaged in the sale of collectibles, relics or objects of an earlier period than the present.

"Appliance sales and incidental service" means an establishment engaged in the sale and repair of household or office tools or devices operated by gas or electric current. Such tools or devices may include stoves, fans, refrigerators, etc.

"Assisted living" means any group residential program that provides personal care and support services to people who need help with daily living activities as a result of physical or cognitive disability. Assisted living communities usually offer help with bathing, dressing, meals and housekeeping. The amount of help provided depends on individual needs, however, full-time (twenty-four hours a day) care is not needed. Assisted living communities go by a variety of names: adult homes, personal care homes, retirement residences, etc.

"Automobile repair garage" means a building designed and used for the storage, care, repair, or refinishing of motor vehicles, including both minor and major mechanical overhauling, paint, and body work.

"Automobile sales, new or used" means an establishment that provides for the sale of motorized vehicles as its primary use.

"Automobile service station" means any premises used primarily for supplying motor fuel, oil, minor servicing, excluding body and fender repair, and for sale of accessories as a secondary service for automobiles at retail direct to the customer.

"Automobile wrecking" means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts when screened from view from a public roadway and adjoining properties.

Bakery (Retail). "Retail bakery" means an establishment where the majority of retail sale is of products such as breads, cakes, pies, pastries, etc., which are baked or produced and for sale to the general public.

Bakery (Wholesale). "Wholesale bakery" means an establishment where breads, cakes, pies, pastries, etc. are baked or produced primarily for wholesale rather than retail sale.

Bar. See "Tavern."

"Bed and breakfast inn" means a dwelling or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises. A bed and breakfast which includes six or more guest rooms shall be classified and defined as a hotel.

"Boat sales, and repair" means a business primarily engaged in sales and repair of new and used motorboats, sailboats, and other watercraft. Also includes businesses primarily engaged in the sale of supplies for boating.

"Book, stationery and art supply store" means an establishment engaged in the retail sale of books and magazines, stationery, record and tapes, video and art supplies, including uses.

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Brew pub. See "specialty goods production."

"Building and hardware and garden supply store" means an establishment engaged in selling lumber and other building materials such as paint, glass, wallpaper, tools, seeds and fertilizer.

"Bus station" means an establishment for the storage, dispatching, repair and maintenance of coaches and vehicles of a transit system.

Child Care. See "Day care."

"Church" means a permanently located building commonly used for religious worship, fully enclosed with walls and roof. A memorial chapel is similar to a church, with the exception that no funeral home activities, such as embalming or casket display are permitted.

"Clinic" means a building or portion of a building containing offices and facilities for providing medical, dental and psychiatric services for outpatients only.

"Community center" means a facility owned and operated by a public agency or nonprofit corporation; provided, that the principal use of the facility is for public assistance, recreation, community improvement, or public assembly.

Convenience Store. See "Grocery, neighborhood."

"Convention center" means an establishment developed primarily as a meeting facility; including facilities for recreation and related activities provided for convention participants, excluding overnight lodging.

"Day care center" means a state licensed entity regularly providing care for thirteen or more children for periods of less than twenty-four hours. A day care center is not located in a private family residence unless the portion of the residence to which the children have access is used exclusively for the children during the hours the center is open or is separate from the usual quarters of the family.

Day Care, Family Home. "Family home day care" means an entity regularly providing care during part of the twenty-four hour day to six or fewer children in the family abode of the person(s) under whose direction the children are placed; or, a state licensed entity regularly providing care during part of the twenty-four hour day to between six and twelve children in the family abode of the person(s) under whose direction the children are placed.

Day Care, Mini-Center. "Mini-center day care" means a state licensed entity providing care during part of the twenty-four hour day period for twelve or fewer children in a facility other than the family abode of the person or persons under whose direct care the children are placed, or for the care of seven through twelve children in the family abode of such person or persons.

"Delicatessen (deli)" means retail food stores selling ready-to-eat food products such as cooked meats, prepared salads or other specialty food items. This definition includes seafood, health food and other specialty foods.

"Drug store" means an establishment engaged in the retail sale of prescription drugs, nonprescription medicines, cosmetics and related supplies.

"Electric vehicle battery charging station" and "rapid charging stations" means an electric component assembly, or cluster of component assemblies designed specifically to charge batteries within electric vehicles, which meet or exceed any standards, codes, and regulations set forth by RCW Chapter 19.28.

"Electric vehicle infrastructure" means structures, machinery, and equipment to support electric vehicles such as a battery exchange station or facility, and which are may be subject to site plan permits such as a battery exchange station or facility.

"Event center" means a building or property used by groups for celebratory events (e.g. weddings, parties, reunions, etc.), meetings and other events. Occupancy must be less than two hundred persons otherwise it shall be regulated as a convention center. Events may occur outdoors. Typically food service and alcohol are associated with this use.



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"Fitness center/sports club" means an establishment engaged in operating physical fitness facilities, sports and recreation clubs.

"Florist shop" means establishments engaged in the retail sale of flowers and plants.

"Food delivery business" means a business in which food is primarily prepared and sold from a vehicle rather than a site specific building. Restaurants or fast food restaurants with a fixed authorized location are not included in this definition.

"Funeral home" means a building where services and/or ceremonies are held in conjunction with human burial or cremation. Crematories may be an accessory use to a funeral home.

"Furniture store" means establishments engaged in the retail sale of household furniture and furnishings for the home.

"Gas/fuel station" means establishments engaged primarily in the sale of automobile gasoline or other auto fuel to the general public.

"Gas/fuel station with mini market" means establishments engaged in the sale of gasoline or other auto fuel together with a minor incidental building in which incidental items including snack foods and beverages are sold.

"Golf course" means a recreational facility, under public or private ownership, designed and developed for uses including, but not limited to a golf course, driving range, putt-putt golf, and other auxiliary facilities such as a pro shop, caddy shack building, restaurant, meeting rooms, and storage facilities.

Grocery, Large Scale. "Large scale grocery" means a retail business enclosed within a structure greater than thirty thousand square feet with the majority of sales relating to food for the consumption off-premises.

Grocery, Neighborhood. "Neighborhood grocery" means a retail business enclosed within a structure less than six thousand square feet with the majority of sales relating to food and associated items. Limited outdoor storage may be permitted; provided it complies with screening requirements. Where outdoor storage occurs, the use shall be defined as a small scale grocery.

Grocery, Small Scale. "Small scale grocery" means a retail business enclosed within a structure between six thousand square feet and thirty thousand square feet with the majority of sales relating to food for the consumption off-premises.

Hardware Store. See "Building, hardware and garden supply store."

"Hazardous waste" means all dangerous and extremely hazardous, as defined in RCW 70.105.010, except for moderate-risk waste.

"Hazardous waste storage" means the holding of dangerous waste for a temporary period, as regulated by state dangerous waste regulations, Chapter 173-303, Washington Administrative Code.

"Hazardous waste treatment" means the physical, chemical or biological processing of dangerous waste to make waste nondangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

Hazardous Waste Treatment and Storage Facility, Off-site. "Off-site hazardous waste treatment and storage facility" means treatment and storage facilities of hazardous wastes generated on properties other than those on which the off-site facility is located.

Hazardous Waste Treatment and Storage Facility, On-site. "On-site hazardous waste treatment and storage facility" means treatment and storage of hazardous wastes generated on-site.

"Home occupation" See CMC Chapter 18.39 Home Occupations.

"Hospital" means an establishment that provides sleeping and eating facilities to persons receiving medical, obstetrical or surgical care and nursing service on a continuous basis.

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"Hotel" means a building or buildings in which short-term lodging is provided for a fee ~~to guests~~ for up to thirty consecutive nights. ~~The facility and~~ may provide such things as restaurants, meeting rooms, self-service kitchens, and/or other auxiliary facilities and services. This definition is interchangeable with "motel", "hostel", and "inn".

Junkyard. See "Wrecking yard."

"Kennel commercial/boarding" means any premises or building in which four or more dogs or cats at least four months of age kept commercially for board, propagation or sale.

Laundry/dry cleaning (industrial): "Industrial laundry/dry cleaning" means a business supplying bulk laundry services, such as linen and uniform services on a rental or contract basis. May also include cleaning used carpets and upholstery.

Laundry/dry cleaning (retail): "Retail laundry/dry cleaning" means a business providing drop-off and pick-up services of laundry and dry cleaning (except coin-operated); and providing specialty cleaning services for specific types of garments and other textile items (except carpets and upholstery), such as fur, leather, or suede garments; wedding gowns; hats; draperies; and pillows.

Laundry, self-service: "Self-service laundry" means a business providing coin-operated machines for home type washing, drying, and/or ironing to be performed primarily by customers.

"Meeting facility" means a primary or secondary use in which a room or series of rooms are available for businesses purposes on an hourly or daily rate.

"Mini-storage facility" means a building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractor's supplies. May also include an accessory residential use, which will not exceed nine hundred square feet of floor area or forty percent of the primary building size, whichever is lesser. This singular, accessory dwelling is intended solely as living quarters for security staff or for the manager, and shall not be leased to non-employees of the facility.

~~"Motel" means a building or group of buildings in which lodging is provided for a fee to guests for up to thirty consecutive nights and typically do not provide such things as restaurants, meeting rooms, and/or other auxiliary facilities and services.~~

"Newspaper printing plant" means a building housing a business to include the writing, layout, editing, and publishing of a newspaper.

Nursery, Plant. "Plant nursery" means an enterprise, establishment, or portion thereof that conducts the retailing or wholesaling of plants grown on the site, as well as accessory items (but not farm implements). The accessory items normally sold include items such as clay pots, potting soil, fertilizers, insecticides, hanging baskets, rakes and shovels.

"Nursing, rest or convalescent home" means an establishment which provides full-time care for three or more chronically ill or infirm persons. Such care shall not include surgical, obstetrical or acute illness services.

"Office supply store" means stores selling office products such as stationery, legal forms, writing implements, typewriters, computers, copiers, office furniture, and the like.

"Pawnshop" means establishments who lend money on goods deposited until redeemed.

"Pet shop" means establishments engaged in the retail sale of pets, pet food, supplies and the grooming of pets and other small animals.

Pharmacy. See "Drug store."

"Photographic" and "electronic stores" mean establishments engaged in the retail sale of camera and photographic supplies and a variety of household electronic equipment.

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"Print shop" means a retail establishment that provides duplicating services using photocopy, blueprint, and offset printing equipment, including collating of booklets and reports.

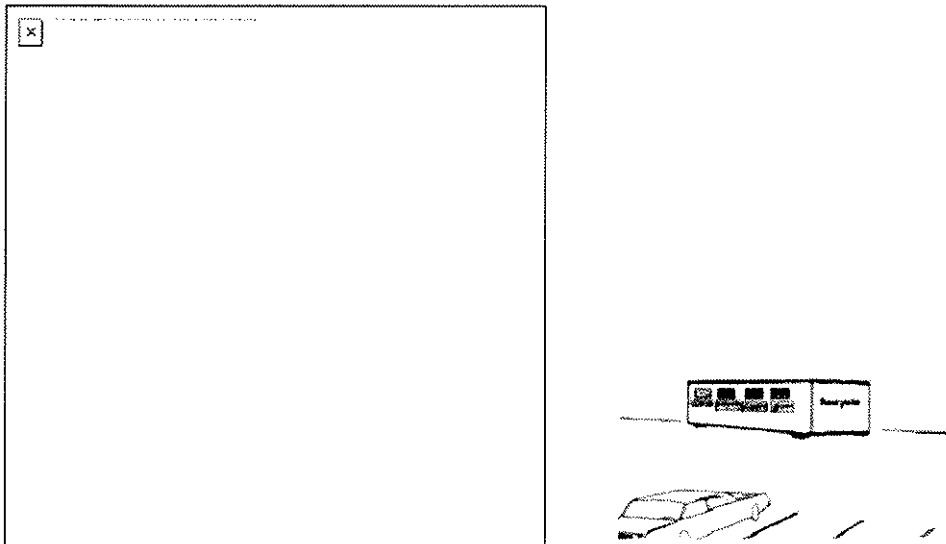
"Professional offices" means an office containing activities such as those offered by a physician, surgeon, dentist, lawyer, architect, engineer, accountant, artist or teacher, real estate or insurance sales.

"Public agency" means any agency office for the administration of any governmental activity or program.

"Recreational vehicle (RV) park" means any lot of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

"Recycling center" means a building in which used material is separated and processed prior to shipment to others who will use those materials to manufacture new products.

"Recycling collection point" means a collection point for recoverable resources, such as newspapers, glassware, and metal cans, with processing of items occurring off-site. See Figure 18.03-1.



**Figure 18.03-1 Recycling Collection Point**

"Recycling plant" means a facility that is not a junkyard and in which recoverable resources, such as newspapers, glass, metal cans and other products are reprocessed and treated to return such products to a condition in which they may again be used for production.

"Residential care facility" means a facility, licensed by the state of Washington, that cares for at least five but not more than fifteen people with functional disabilities, and that has not been licensed as an adult family home pursuant to RCW 70.128.175.

"Restaurant" means an establishment that serves food and beverages primarily to persons seated within the building. This includes cafes, coffee shops, tearooms, and outdoor cafes.

Restaurant, Fast Food. "Fast food restaurant" means an establishment that offers quick food service, which is accomplished through a limited menu of items already prepared and held for service, or prepared, fried, or grilled quickly, or heated in a device such as a microwave oven. Orders are not generally taken at the customer's table, and food is generally served in disposable wrapping of containers. The establishment may also offer drive-up or drive-through service.

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"Roadside produce stand" means an establishment engaged in the retail sale of local fresh fruits and vegetables and having permanent or semi-permanent structures associated with such use.

"Second-hand/consignment store" means an establishment engaged in the retail sale of used clothing, sports equipment, appliances and other merchandise.

"Social gathering hall" means a building used primarily by community groups and organizations for meetings, celebrations, bingo and other events.

Specialty goods production: Small scale businesses that manufacture artisan goods or specialty foods. Small manufacturing production aims at direct sales rather than the wholesale market. This use may include public viewing, tasting area for consumption on site, restaurant or café, and other customer service space. This use category includes the following: Microbreweries (a.k.a. Brew pub), microdistilleries, and wineries; fruit and vegetable preserving and specialty foods; and artisan leather, glass, cutlery, hand tools, wood, paper, ceramic, textile and yarn products.

"Stock broker, brokerage firm" means a qualified and regulated professional or company that oversees financial assets, buys and sells (trades) shares or stocks, and other securities through market makers on behalf of investors.

"Tavern" means an establishment primarily serving alcoholic beverages for consumption on-site. Secondary activities may include dining, music, bottling, and sale of bottled beverages prepared on-site.

"Use" means an activity or a purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

"Veterinarian clinic" means a facility established to provide examination, diagnostic, and health maintenance services for medical and services for medical and surgical treatment of companion animals on an outpatient basis. A veterinarian clinic operates during regular business hours and discharges all patients prior to closing time.

"Veterinarian hospital" means a facility established to provide examination, diagnostic and health maintenance services for medical and surgical treatment of companion animals and equipped to provide housing and nursing care for them during illness or convalescence.

"Video rental store" means an establishment engaged primarily in the business of renting video cassettes, DVD's and games.

Warehouse, Bulk Retail. "Bulk retail warehouse" means a building primarily used for the storage and retail sale of large quantities of goods and materials.

Warehouse, Wholesale and Distribution. "Wholesale and distribution warehouse" means a use engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

(Ord. 2515 § 1 (Exh. A (part)), 2008)

(Ord. No. 2612, § I(Exh. A), 2-7-2011; Ord. No. 2654, §§ I, II, 7-16-2012)

#### **18.03.040 Definitions for development terms.**

As used in this title:

"Abutting" means adjoining.

Access Easement. See "Street."

Access Panhandle. See "Flag lot."

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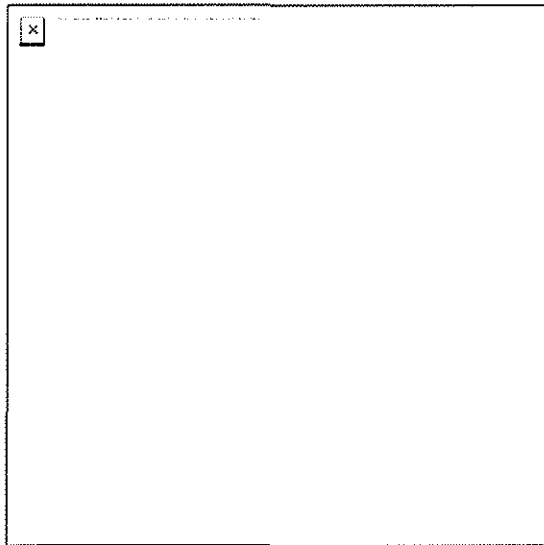
### Chapter 18.03 DEFINITIONS\*

"Accessory structure or accessory use" means a structure or use incidental and subordinate to the principal use or structure and located on the same lot or tract.

"Alley" means a narrow street primarily for vehicular service access to the rear or side of properties otherwise abutting on another street.

"Annexation" means the legal process in which a parcel or contiguous group of parcels in an unincorporated area become part of the city taking the action of incorporation.

"Apartment house" means a building containing three or more dwelling units on a lot or parcel. See Figure 18.03-2.



~~Figure 18.03-2 Apartment House~~

Arterial. See "Street."

"Assessment project" means the assessment may be a local improvement district (LID) or equitable reimbursement method.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Binding site plan" means a drawing to scale which: (1) identifies and shows the areas and locations of all streets, roads, improvements, utilities, open spaces, and any other matters specified by local regulations; (2) contains inscriptions or attachments setting forth limitations and conditions for the use of the land; and (3) contains provisions making any development be in conformity with the site plan.

"Boundary line adjustment" means an adjustment of boundary lines between platted or unplatted lots or both, which does not create any additional lot, tract, parcel, site or division.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

"Breezeway" means a structure for the principal purpose of connecting the main building or buildings on a property with other main buildings or accessory buildings.

"Building" means any structure used or intended for supporting or sheltering any use or occupancy.

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"Building envelope" means a delineated area identifying where a primary building may be established. See Figure 18.03-3.

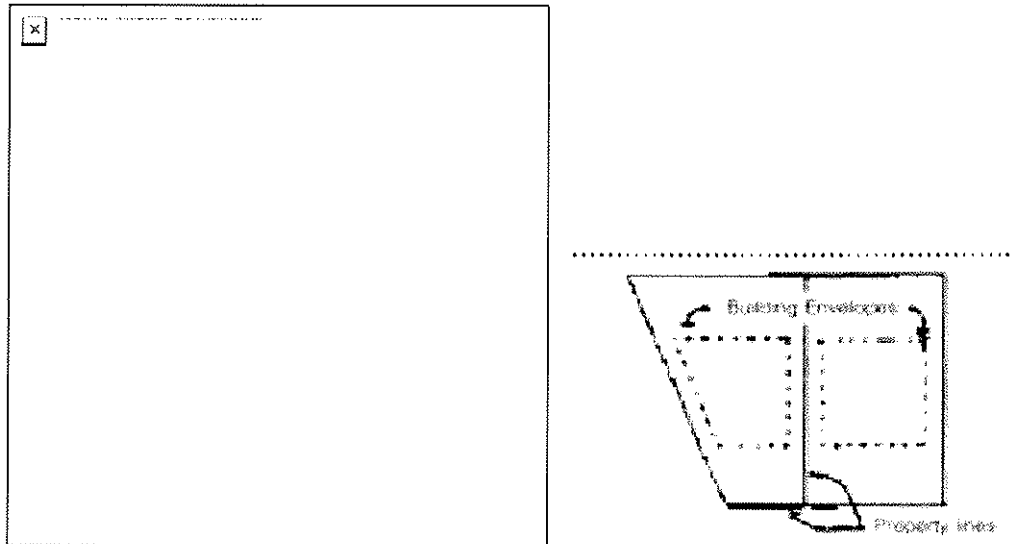
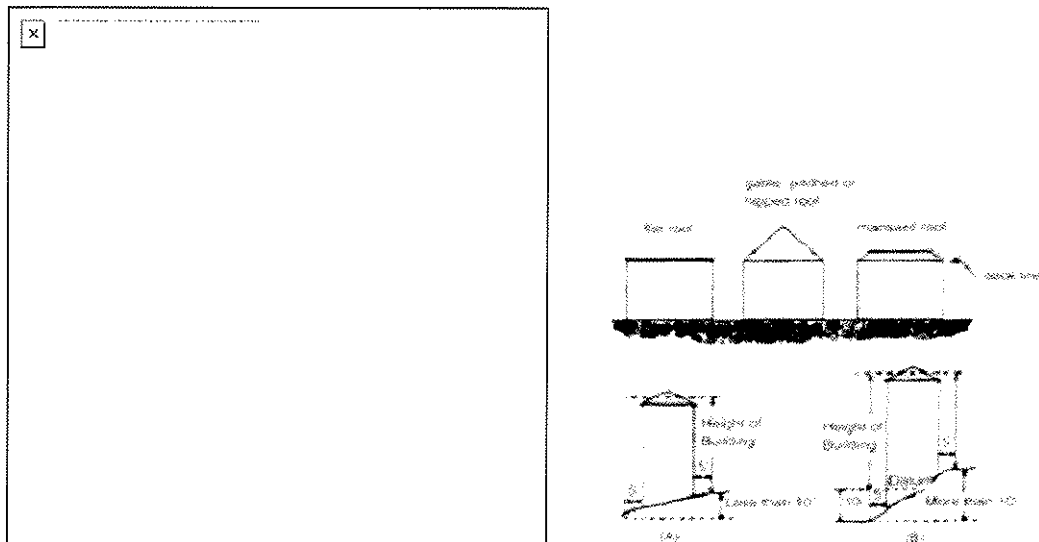


Figure 18.03-3 Building Envelopes

"Building height" means the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater building height: (a) the elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance or the exterior wall of the building when such sidewalk or ground surface is not more than ten feet above the lowest grade; (b) an elevation ten feet higher than the lowest grade when the sidewalk or ground surface described in subsection (a) of this definition is more than ten feet above the lowest grade. The height of a stepped or terraced building is the maximum height of segment of the building. See Figure 18.03-4.



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#### Figure 18.03-4 Building Height

"Building line" means a line on a plat indicating the limit beyond which primary buildings or structures may not be erected.

"City" means the City of Camas.

Collector. See "Street."

"Commission" means the planning commission of the City of Camas.

"Comprehensive plan" means the comprehensive plan for the City of Camas, comprising plans, maps or reports, or any combination thereof relating to the future economic and physical growth and development of the city.

"Contractor" means the person/firm hired by the applicant to perform work.

"Council" means the council of the City of Camas.

"Court" means a space open and unobstructed to the sky, located at or above grade level on a lot and bounded on three or more sides by walls of a building.

"Critical facility" means a facility for which even a slight chance of flooding might be too great. Critical facilities include (but are not limited to) schools, nursing homes, hospitals, police, fire and emergency response installations, and installations which produce, use, or store hazardous materials or hazardous waste.

Cul-de-sac. See "Street."

"Dedication" means the deliberate appropriation of land by an owner for any general and public uses, reserving to the owner no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.

"Density transfer" means a transfer of dwelling units located on a site identified as sensitive lands or open space to the developable portion of land on the site. (Refer to Section 18.09.060 Density Transfers)

"Developed acreage" means the total acreage of a land use development exclusive of open space and critical areas. Developed acreage includes infrastructure, storm drainage facilities and lots and access easements. "Developer" means the applicant for the proposed land use or development proposal.

"Development" within the area of special flood hazard: means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

"Director" means community development director or designee.

"Driveway" means the required traveled path to or through a parking lot for three or more vehicles. A "driveway" also refers to the vehicular access for single-family dwelling.

"Dwelling unit" means an independent living unit within a dwelling structure designed and intended for occupancy by not more than one family and having its own housekeeping and kitchen facilities. Hotel, motel, and bed and breakfast that are primarily for transient tenancy are not considered dwelling units.

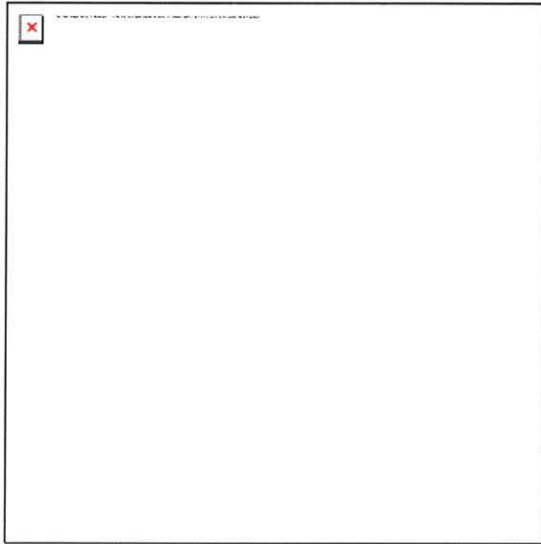
Dwelling Unit, Accessory. "Accessory dwelling unit" means an additional, smaller, subordinate dwelling unit on a lot or attached to an existing or new house. Refer to Chapter 18.27 Accessory Dwelling Units.

Dwelling, Condominium. "Condominium dwelling" means two or more units where the interior space of which are individually owned; but the balance of the property (both land and/or building) is owned in common by the collective owners of the building.

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Dwelling, Duplex or Two-Family. "Duplex or two-family dwelling" means a structure containing two dwelling units on one lot. **See Figure 18.03-5.**



**Figure 18.03-5 Two-family Dwelling or Duplex**

Dwelling, Single-Family. "Single-family dwelling" means a detached building containing one dwelling unit.

Dwelling, Single-Family Attached (Row House). "Single-family attached dwelling" means a single household dwelling attached to another single household dwelling by a common vertical wall, and each dwelling is owned individually and located on a separate lot. These are more commonly referred to as townhouses or rowhouses.

"Easement" means a grant of the right to use land for specific purposes.

"Elevated building" means for insurance purposes, a non-basement building that has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

"Erosion control bond" insures the satisfactory installation, maintenance, and operation of erosion control measures within an approved development. The developer/owner is the principle and the city is the obligee. The bond shall remain in full force and effect until released by the city.

"Established grade" means the curb line grade established by the city.

Facility, Essential Public. "Essential public facility" means and includes those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities, state and local correctional facilities including substance abuse facilities, mental health facilities, and group homes.

Facility, Public. "Public facility" means streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, water towers, storm and sanitary sewer systems, parks and recreation facilities, and schools that are open to the general public and owned by or in trust for a government entity.

"Family" means an individual, or two or more persons related by blood or marriage, or two persons with functional disabilities as defined in this chapter, or a group of not more than five unrelated persons (excluding servants), living together in the same dwelling unit.



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"Fence" means a structure, other than a building, designed, constructed and intended to serve as a barrier or as a means of enclosing a yard or other structure; or to serve as a boundary feature separating two or more properties. Landscaping plantings do not fall within this definition.

Fence, Sight-Obstructing. "Sight-obstructing fence" means a fence so arranged as to obstruct vision.

"Final acceptance" means city council approval of the complete public improvements and acceptance of the warranty for the public improvements. The end of the warranty period signifies the city responsibility for maintenance and repair of any public improvements.

"Final plat" means the final drawing of the subdivision or short subdivision and dedication, prepared for filing for record with the county auditor and containing all elements and requirements set forth in this chapter and in state law.

"Flag lot" means a lot that does not have full frontage on a public street and the "pole" of the flag lot is less than half the width of the average lot width. Flag poles shall be a minimum of twenty feet wide, provide a minimum of twelve feet wide pavement and extend no longer than three hundred feet.

"Floor area" means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

"Grade (adjacent ground elevation)" means the lowest point of elevation of the finished surface of the ground paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

"Gross area" means the total usable area including accessory and common space dedication to such things as streets, easements and uses out of character with the principal use but within a unit of area being measured.

"Guest house" means an accessory, detached dwelling without kitchen facilities, designed for and used to house transient visitors or guests of the occupants of the main building without compensation.

Half Street. See "Street."

"Hammerhead" means a term used to describe a particular style of turnaround for emergency vehicles designed in accordance with guidelines in the Camas Design Standard Manual.

"Hearings examiner" conducts quasi-judicial public hearings for land development applications and renders decisions based on regulations and policies as provided in Camas Municipal Code and other ordinances. See CMC Chapter 2.15 Hearing Examiner System.

Height of Building. See "Building height."

"Home, designated manufactured" means a manufactured home which:

- (a) is comprised of at least two fully enclosed parallel sections each not less than twelve (12) feet wide by thirty-six feet long;
- (b) was originally constructed with and now has composition or wood shake or shingle, coated metal, or similar roof, or not less than 3:12 pitch;
- (c) has exterior siding similar in appearance to siding materials commonly used on conventional site-built IBC single-family residences; and
- (d) is placed upon a permanent foundation.

"Home, Manufactured" means a single-family residence constructed after June 15, 1976, in accordance with the U.S. Department of Housing and Urban Development (HUD) requirements for manufactured housing, and bearing the appropriate insignia indicating such compliance.

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"Home, Mobile" means a single-family residence transportable in one or more sections that are eight feet or more in width and thirty-two feet or more in length, built on a permanent chassis, designed to be used as a permanent dwelling and constructed before June 15, 1976. Such home shall be installed in accordance with applicable WAC rules and regulations.

"Home, Modular" means a structure constructed in a factory in accordance with the International Building Code and bearing the appropriate insignia indicating such compliance. This definition includes "prefabricated," "panelized," and "factory built" units. Such home shall be installed in accordance with applicable WAC rules and regulations.

"Homeowner's association" means an incorporated, nonprofit organization operating under recorded land agreements through which: (a) each lot owner is automatically a member; and (b) each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.

"IBC" means the International Building Code as adopted by city council.

"IFC" means the International Fire Code as adopted by the city council.

"Infrastructure acreage" means the total area of public improvements including any utility or private road outside of the lot area, street right-of-way, and storm drainage facilities.

"IRC" means the International Residential Code as adopted by the city council.

"Land development" means any project subject to review under Title 16, 17 or 18.

"Lot" means a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include parcels.

"Lot area" means the total square footage of a lot.

"Lot coverage" means the portion of a lot that is occupied by the principal and accessory buildings, including all projections except eaves, expressed as a percentage of the total lot area.

"Lot depth" means the horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

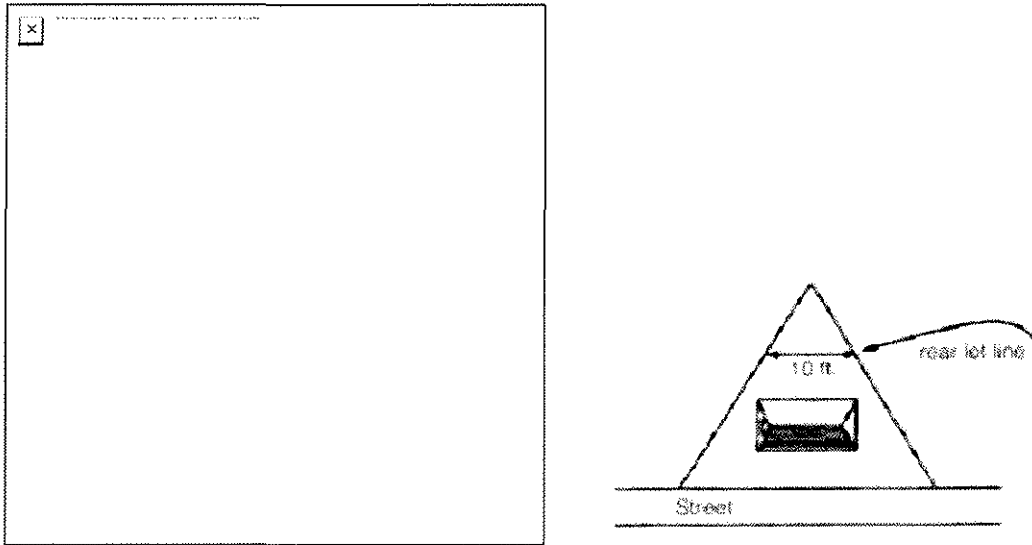
"Lot line" means the property line bounding a lot.

Lot Line, Front. "Front lot line" means, in the case of an interior lot, the lot line separating the lot from a street other than an alley, and in the case of a corner lot, the shortest lot line separating the lot from a street other than an alley. See Figure 18.03-8.

Lot Line, Rear. "Rear lot line" means a lot line which is opposite and most distant from the front lot line. In the case of a triangular or irregular shaped lot a line ten feet in length within the lot parallel to and at the maximum distance from the front lot line. See Figures 18.03-6 and 18.03-8.

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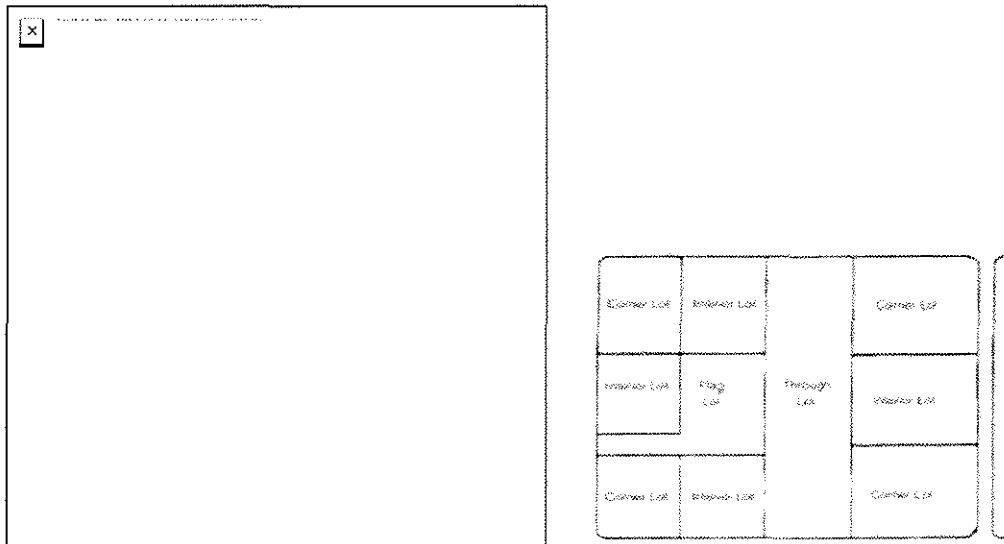


**Figure 18.03-6 Rear Lot Line in the Case of a Triangular Lot**

Lot Line, Side. "Side lot line" means any lot line not a front or rear lot line. See Figure 18.03-8.

"Lot width" means the horizontal distance between the side lot lines at the front of the building envelope.

Lot, Corner. "Corner lot" means a lot abutting on two intersecting streets other than an alley provided that the streets do not intersect at an angle greater than one hundred thirty-five degrees. See Figure 18.03-7.



**Figure 18.03-7 Lot Configuration**

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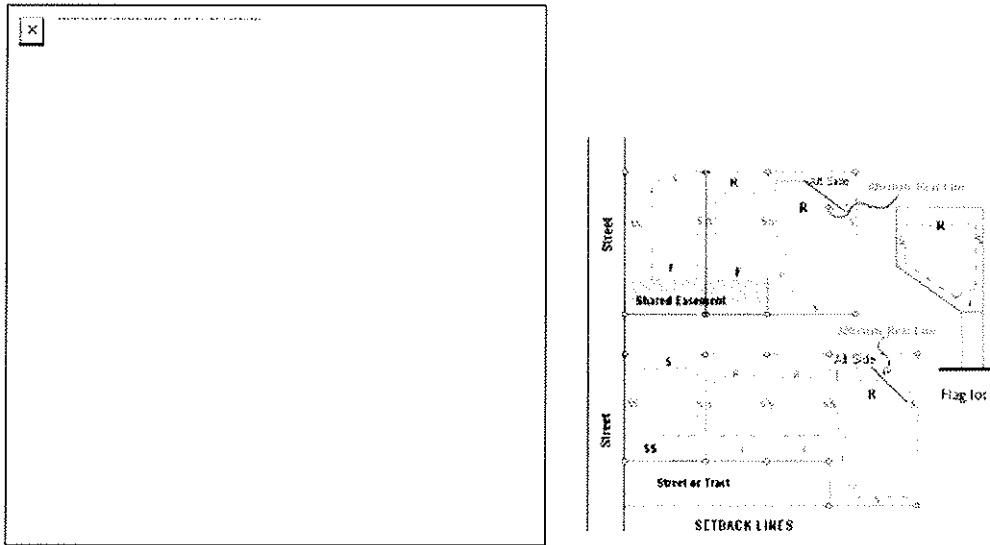


Figure 18.03-8 (1 of 2)

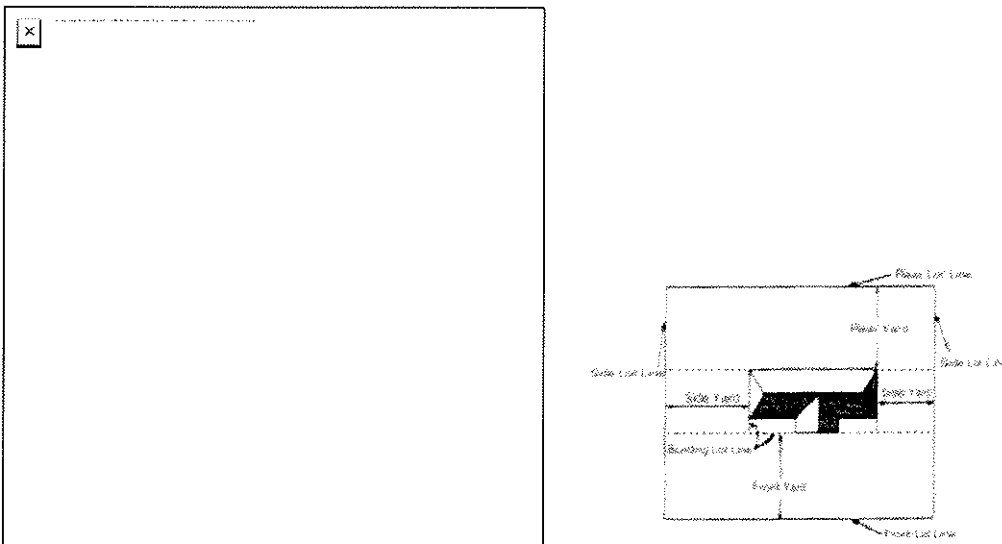


Figure 18.03-8 Yard and Lot Lines (2 of 2)

Lot, Interior. "interior lot" means a lot other than a corner lot. See Figure 18.03-7.

Lot, Through. "Through lot" means a lot having frontage on two parallel or approximately parallel streets. See Figure 18.03-7.

"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements found in CMC Chapter 16.57.

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"Manufactured home park" means any property meeting the minimum standards established in CMC Chapter 18.29 "Manufactured home parks," which would be divided into individual spaces for sale, lease or rent for the accommodation of occupied manufactured/mobile homes.

Marginal Access Street. See "Street."

Minor Street. See "Street."

"Nonconforming building or use" See CMC Chapter 18.41 Nonconforming Uses.

"Owner" means the persons/organization who hold legal right to the property. The owner may also serve as applicant, developer and contractor.

"Pawnshop" means establishments who lend money on goods deposited until redeemed.

"Pedestrian way" means a right-of-way for pedestrian traffic connecting two streets other than at an intersection.

"People with functional disabilities" means a person who, because of a recognized chronic physical or mental condition or disease, is functionally disabled to the extent of:

1. Needing care, supervision or monitoring to perform activities of daily or instrumental activities of daily living;
2. Needing supports to ameliorate or compensate for the effects of the functional disability so as to lead as independent a life as possible;
3. Having a physical or mental impairment which substantially limits one or more of such person's major life activities; or
4. Having a record of having such an impairment, but such term does not include current, illegal use of or active addiction to a controlled substance.

"Performance bond" means a pledge, guarantee or bond, usually to back the performance of an individual or company. The bond guarantees the contractor's performance. A performance bond is generally used to ensure that a particular obligation will be completed at a certain date or that a contract will be performed as stated. It has no end date, but terminates upon successful completion of obligation.

"Person" means an individual, firm, partnership, corporation, company, association, syndicate or any legal entity, including any trustee, receiver, assignee or other similar representative thereof.

"Phase" means a group of lots, tracts or parcels within well identified and fixed boundaries. The term shall include blocks. Phases shall be consecutively numbered.

"Planned residential development" (PRD) see CMC Chapter 18.23 Planned Residential Development.

"Planning commission" means the planning commission of the City of Camas.

"Planning control area" means an area in a state of incomplete development within which special control is to be exercised over land partitioning.

"Plat" means a map or representation of a subdivision, showing thereon the division for a tract or parcel of land into lots, blocks, streets and alleys, or other divisions and dedications.

"Preliminary plat" means a neat and approximate drawing of a proposed subdivision showing the general layout of streets and alleys, lots, blocks, tracts and other elements of a land division consistent with the requirements of this chapter. The preliminary plat shall be the basis of the approval or disapproval of the general layout of the land division.

"Punch list" means a term used by the engineering department to designate items still to be completed per conditions of approval and city standards for the land use to reach final acceptance phase of the approval process.

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"Recreational vehicle" means a vehicle which is: a) built on a single chassis; b) four hundred square feet or less when measured at the largest horizontal projection; c) designed to be self-propelled or permanently towable by a light duty truck; and d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Right-of-way" (hereinafter commonly referred to as ROW) means the area between boundary lines of a street or other easement.

"Roadway" means the portion of a street right-of-way developed for vehicular traffic.

"Rowhouse". See "Dwelling, Single-Family Attached."

"Sensitive Areas and Open Space". For related definitions see CMC Section 18.03.050 Environmental definitions.

"Setback." See "Yard"

"Shorelines." For related definitions see CMC Section 18.88.030 Definitions in Chapter 18.88 Shoreline Management.

"Short plat" means a map or representation of a short subdivision.

"Short subdivision" means the division of land into nine or fewer lots, sites or divisions for the purpose of sale or lease.

"Sidewalk" means a pedestrian walkway with permanent surfacing to city standards.

"Sidewalk area" means the portion of a street right-of-way between proposed curb line and adjacent lot line.

"Signs". For related definitions see Chapter 18.15 Signs.

"Start of construction" means and includes substantial improvement, and means the date the building permit was issued, provided that the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundation, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Story" means the space between two successive floors in a building. The top floor shall be the space between the floor surface and the underside of the roof framing. A basement shall be counted as a story if over fifty percent of its ceiling is over six feet above the average finished grade of the adjoining ground surface.

"Story, First". "First story" means the lowest story in a building which qualifies as a story, as defined in this chapter, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than eight feet below grade, as defined in this chapter, at any point.

"Story, Half". "Half-story" means a space under a roof which has the line of intersection of roof decking and exterior wall face not more than four feet above the top floor level. A half-story containing one or more dwellings shall be counted as a full story.

"Street" means the entire width between the boundary of property or lot lines, for the purpose of vehicular and pedestrian traffic. See Table 17.19-1.

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1. "Access easement" refers to "private road."
2. "Ailey" means a narrow street primarily for vehicular service access to the back or side of properties otherwise abutting on another street.
3. "Arterial" means a street of considerable continuity that is primarily a traffic artery for intercommunication among large areas. There are usually three to five lanes of traffic.
4. "Collector" means a street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas; used to some extent for through traffic and to some extent for access to abutting properties. There are usually two to three lanes of traffic.
5. "Cul-de-sac (dead-end street)" means a short street having one end open to traffic and being terminated by a vehicle turnaround. See Design Standards Manual for required right-of-way, pavement, curb and gutters.
6. "Driveway" see "Private road."
7. "Half street" means a portion of the width of a street usually along the edge of a subdivision where the remaining portion of the street could be provided in another subdivision.
8. "Marginal access street" means those streets whose primary function is the circulation of through traffic and shall include all major and secondary arterials and all collector streets identified in the city comprehensive plan.
9. "Minor street" means a street intended exclusively for access to abutting properties. Also referred to as a neighborhood street. This type of street has only two lanes of traffic.
10. "Private road" means a strip of land that provides access to a lot, tract or parcel. This road is privately maintained but is designed and installed per Table 17.19-1 and with approval of the engineering manager.

"Structural alteration" means any change to the supporting members of a building including foundations, bearing walls or partitions, columns, beams or gliders, or any structural change in the roof.

"Structure" means that which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

"Subdivision" means a division or redivision of land into ten or more lots, tracts, sites or divisions for the purpose of sales, lease or transfer of ownership.

"Subdivision improvement bond" means a guarantee that improvements to an approved residential development will be completed in accordance with city standards, and code as stated in conditions of approval. The owner is the principle and the city is the obligee. There is no expiration date on this type of bond but it terminates upon acceptance of improvements by the city. The bond is issued in the amount equal to one hundred five percent of the cost of all public improvements and any improvements required as part of the conditions of approval per CMC Section 17.21.050 Bonds and other financial agreements.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

"Substantial improvement" for the purposes of CMC 16.57 Frequently Flooded Areas, substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

- 1) Before the improvement or repair is started; or
- 2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first

## Title 18 - ZONING\*

### Chapter 18.03 DEFINITIONS\*

alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term can exclude:

- 1) Any project for improvement of a structure to correct pre-cited existing violations of state or local health, sanitary, or safety code specifications which have been previously identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or
- 2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Supported living arrangement" means a living unit owned or rented by one or more persons with functional disabilities who receive assistance with activities of daily living, instrumental activities of daily living, and/or medical care from an individual or agency licensed and/or reimbursed by a public agency to provide such assistance.

"Telecommunications." For related definitions see Section 18.35.030 Definitions in Chapter 18.35 Telecommunications Ordinance.

"Tract" means an area dedicated to such things as streets, easements and uses out of character with the principal use, but within a unit of area being measured. Tracts may include critical areas, storm ponds, and forestlands, parkland and other open space. Tracts shall not be considered lots for the purpose of determining short plat or subdivision status. Tracts shall not be considered buildable lots of record.

"Turn-arounds" are any location identified by the city engineering manager as necessary to be improved for emergency and other vehicles to turn around.

"UBC." See "IBC" or "IRC."

Utility Facilities, Minor. "Minor utility facilities" means those facilities which have a local impact on surrounding properties and are necessary to provide essential services such as:

1. Substations (transmission and distribution);
2. Pump stations;
3. Outfalls;
4. Water towers and reservoirs;
5. Public wells;
6. Cable television receiver and transmission facilities, excluding wireless communications facilities as defined in CMC Section 18.35.030 Definitions;
7. Catch basins, retention ponds, etc.;
8. Water treatment facilities.

"Vision clearance area" means a triangular area on a lot at the intersection of two streets, or a street and an alley, or a street and a railroad, two sides of which are lot lines measured from their corner intersection for a distance specified in the code. The third side of the triangle is a line across the corner of the lot adjoining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. See Section 18.17.030 Vision clearance areas, along with Figures 18.17-030-1 and 18.17-030-2.

"Warranty bond" means and is referred to as a function and maintenance bond, it is generally used to insure the satisfactory operation to public improvements within an approved development. The developer is the principal and the city is the obligee. The warranty bond has a beginning and ending date



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### Chapter 18.03 DEFINITIONS\*

in amount specified per CMC Section 17.21.040(B)(1). At the end of the warranty period, the city will assume responsibility for the maintenance and repair of the public improvement.

"Wireless." For related definitions see Chapter 18.35 Telecommunication Ordinance.

"Yard" means an open space, other than a court or accessory structure, unobstructed from the ground to the sky, except where specifically provided by this code, on the lot on which a building is situated. See Figure 18.03-8.

"Yard, Front". "Front yard" means an open space between the side lot lines and measured horizontally, from the front lot line at right angles to the front lot line, to the nearest point of the building. See Figures 18.03-8 and 18.03-6.

"Yard, Rear". "Rear yard" means an open space between side lot lines and measured horizontally, at right angles from the rear lot line, to the nearest point of the main building. See Figures 18.03-8 and 18.03-6.

"Yard, Side". "Side yard" means an open space between a building and the side lot line measured horizontally, at right angles from the side lot line, to the nearest point of the main building. See Figure 18.03-8.

(Ord. 2515 § 1 (Exh. A (part)), 2008)

(Ord. No. 2612, § I(Exh. A), 2-7-2011; Ord. No. 2648, § I, 5-21-2012)

#### **18.03.050 Environmental definitions.**

In addition to the definitions found in Title 16, the following definitions shall also apply to this title:

"Adverse environmental impact" means an impact caused by vegetation removal which creates a risk of landslide or erosion, or which alters or damages wetlands, wetland buffers, wildlife habitat, streams, or watercourses.

"Area of special flood hazard" means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letter A.

"Base flood" the flood having a one-percent chance of being equaled or exceeded in any given year (also referred to as the "one hundred-year flood"). Designated on Flood Insurance Rate Maps by the letter A.

"Best available information" means, in the absence of official flood insurance rate map data, communities can use data from other federal, state, or other sources; provided this data has either been generated using technically defensible methods or is based on reasonable historical analysis and experience. Flood data from existing flood events may be used where flood events are considered more accurate indicators ~~of~~ of past base flood conditions. Any variance from adopted flood insurance rate maps must be of a more restrictive nature.

"Buffer" means either: (1) an area adjacent to hillsides which provides the margin of safety through protection of slope stability, attenuation of surface water flows, and landslide, seismic, and erosion hazards reasonably, necessary to minimize risk to the public from loss of life, well-being, or property damage resulting from natural disasters; or (2) an area adjacent to a stream or wetland which is an integral part of the stream or wetland ecosystem, providing shade; input of organic debris and coarse sediments; room for variation in stream or wetland boundaries; habitat for wildlife; impeding the volume and rate of runoff; reducing the amount of sediment, nutrients, and toxic materials entering the stream or wetland; and protection from harmful intrusion to protect the public from losses suffered when the functions and values of stream and wetland resources are degraded.

"dbh" (diameter at breast height) means a tree's diameter measured four and one-half (4.5) feet above the ground measured from the uphill side.

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### Chapter 18.03 DEFINITIONS\*

"Drainage facility" means the system of collecting and storing surface and stormwater runoff. Drainage facilities shall include but not be limited to all surface and stormwater runoff conveyance and containment facilities including streams, pipelines, channels, ditches, wetlands, closed depressions, infiltration facilities, retention/detention facilities, and other drainage structures and appurtenances, both natural and man-made.

"Environmentally sensitive area(s)" or "sensitive lands" means areas within the city that are characterized by, or support unique, fragile or valuable natural resources, or that are subject to natural hazards. Sensitive areas include wetlands and wetland buffers, streams and watercourses, steep slopes, and areas with potentially unstable soils, as those areas are defined and identified pursuant to this title and Title 16.

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- 1) The overflow of inland or tidal waters; and/or
- 2) The unusual and rapid accumulation of runoff of surface waters from any source.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study (FIS)" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Maps, and the water surface elevation of the base flood.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Hillsides" means geological features of the landscape having slopes of fifteen percent or greater. To differentiate between levels of hillside protection and the application of development standards, the city categorizes hillsides into four groups: hillsides of at least fifteen percent but less than forty percent; hillsides with unstable slopes; hillsides of forty percent slope and greater; hillsides which are ravine sidewalls or bluffs.

"Mitigation" means the use of any combination of, or all of the following actions:

1. Avoid impacts to environmentally sensitive areas by not taking a certain action, or parts of an action;
2. Minimize impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environmentally sensitive area;
4. Reducing or eliminating the impact over time by reservation and maintenance operations during the life of the development proposal;
5. Compensating for the impact by replacing or enhancing environmentally sensitive areas, or providing substitute resources.

"Open space" means land set aside and maintained in a natural state, providing air, light, and habitat for wildlife, and/or containing significant trees and vegetation. Open space may contain environmentally sensitive lands, which include but are not limited to steep slopes and areas with unstable soils, wetlands, and streams and watercourses. Open space may also provide for active and passive recreation use. There are two general categories of open space, which are as follows:

1. "Natural open space" means land devoted to protecting environmentally sensitive lands as defined in this title and CMC Title 16. Natural open space generally has no developed areas,

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### Chapter 18.03 DEFINITIONS\*

with the exception of trails as identified in the comprehensive parks, recreation, open space plan, or by a condition of development approval.

2. "Recreational open space" means land set aside for recreational opportunities, which may contain trails, sports fields, playgrounds, swimming pools, tennis courts, and picnic areas. Recreational open space is generally limited in size and intensity, proportionate to the development, and is intended for the enjoyment of the residents of the development.

"Open space connectors" means tracts of land with typically no sensitive lands that connect parcels of land to form the open space network.

"Open space network" means a network of open space composed of mostly wooded areas, steep slopes, ravines, streams and waterways, as areas identified in the comprehensive parks, recreation, and open space plan.

"Protective mechanism" means a method of providing permanent protection to open space, and shall include conservation easements, dedication to the city, conveyance to a public or private land trust, conveyance to a homeowner's association, restrictive covenants, or any combination of such mechanisms.

"Ravine sidewall" means a steep slope which abuts and rises from the valley floor of a stream, and which was created by the wearing action of the stream. Ravine sidewalls contain slopes predominantly in excess of forty percent, although portions may be less than forty percent. The toe of a ravine sidewall is the stream valley floor. The top of a ravine sidewall is typically a distinct line where the slope abruptly levels out. Where there is no distinct break in slope, the top is where the slope diminishes to less than fifteen percent. Minor natural or man-made breaks in the slope of ravine sidewalls shall not be considered as the top. Benches with slopes less than fifteen percent, and containing developable areas, shall be considered as the top.

Sensitive Areas. See "Environmentally sensitive areas."

"Sensitive area(s) map(s)" means those maps adopted, and/or incorporated by reference, by the city to identify the general location of environmentally sensitive or valuable areas. In case of questions as to map boundaries or mapping errors, the presence or absence of a sensitive area shall be determined in the field by a qualified professional, experienced in a discipline appropriate to evaluation of the appropriate feature, and shall determine the applicability of this chapter.

"Significant trees" means evergreen trees eight inches dbh, and deciduous trees, other than red alder or cottonwood, twelve inches dbh.

"Steep slopes" or "area with potential unstable soils" means any land potentially subject to landslides, severe erosion, or seismic activity (earthquake faults). Steep slopes are generally characterized by slopes of fifteen percent or greater, impermeable subsurface material (sometimes interbedded with permeable subsurface material), and/or springs or seeping groundwater during the wet season. Seismic areas are those lying along or adjacent to identified earthquake faults.

"Stream" or "watercourse" means those areas where surface waters produce a defined channel or bed. The channel or bed need not contain water year-round. This definition does not include irrigation ditches, canals, storm or surface water conveyance devices, or other entirely artificial watercourses. Streams are further categorized as Class 1 through 5 in accordance with the classifications used by WAC 222-16-030.

"Water dependent" means a use or portion of a use that cannot exist in a location which is not adjacent to the water, and which is dependent on the water by reason of the intrinsic nature of its operations. Examples include, but are not limited to: aquaculture, marinas, or float plane facilities.

"Wetland bond" insures the satisfactory installation, maintenance, and monitoring of wetland creation or enhancement as may be required as part of the SEPA or wetland mitigation plans. The bond has a beginning and ending date, and shall be in the amount as specified in CMC Section 17.21.050(B)(3).

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"Wetland buffer" means a naturally vegetated and undisturbed, enhanced or revegetated area surrounding wetland that is part of a wetland ecosystem and protect a wetland from adverse impacts to its function, integrity, and value. Wetland buffers serve to moderate runoff volume and flow rates; reduce sediment, chemical nutrient and toxic pollutants; provide shading to maintain desirable water temperatures; provide habitat for wildlife; and protect wetland resources from human activities.

"Wetlands" means areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands include those artificial wetlands intentionally created to mitigate conversions of wetlands.

"Wildlife habitat" means areas that provide food, protective cover, nesting, breeding, or movement for threatened, endangered, sensitive, monitor, or priority species of wildlife, or other wildlife species of special concern. "Wildlife habitat" shall also mean areas that are the location of threatened, endangered, sensitive, monitor, or priority species of plants, or other plant species of special concern.

(Ord. 2515 § 1 (Exh. A (part)), 2008)

(Ord. No. 2612, § I(Exh. A), 2-7-2011; Ord. No. 2648, § I, 5-21-2012)

## Title 18 - ZONING\*

### Chapter 18.05 ZONING MAP AND DISTRICTS

#### Chapter 18.05 ZONING MAP AND DISTRICTS

##### Sections:

- 18.05.010 Zoning maps administration.
- 18.05.020 Districts designated.
- 18.05.030 Boundary determination.
- 18.05.040 Residential, ~~and~~ multifamily zones ~~and "Area E" overlay district.~~
- 18.05.050 Commercial, ~~and~~ industrial, ~~and high technology~~ zones.
- 18.05.060 Overlay zones/special planning areas.
- 18.05.070 Park zoning.

##### 18.05.010 Zoning maps administration.

- A. This title shall consist of the text titled the "City of Camas Zoning Code," and that certain map or books of maps identified by the approving signatures of the mayor and the city clerk, and marked and designated as "The Zoning Map of the City of Camas," which map or book of maps shall be placed on file in the offices of the city clerk, county auditor, and other city departments. This title, and each and all of its terms and map details, is to be interpreted in light of the context of the book of maps in relationship to the comprehensive plan. In any conflict between the maps and the text of this code the text shall prevail.
- B. Amendments. Amendments may be proposed by city council on its own motion, or may be proposed by the planning commission on its own motion, or such an amendment may be proposed by an applicant or city staff pursuant to CMC Chapter 18.55 Administration and Procedures.
- C. Administration and Procedures. A correct copy of each amendment to the text or to the map established by this title shall be maintained on file in the offices of the city clerk and the planning official.
- D. Site Specific Rezones. ~~Site-A site~~ specific rezone involves an application of an owner of a specific parcel or set of contiguous parcels that does not require modification of the comprehensive plan. Site specific rezones are decided by the hearing officer after a public hearing. The criteria for reviewing and approving a site specific rezone are as follows:
  - 1. The use or change in zoning requested shall be in conformity with the adopted comprehensive plan, the provisions of this title, and the public interest.
  - 2. The proposed zone change shall be compatible with the existing established development pattern of the surrounding area in terms of lot sizes, densities and uses.
- E. Timing and Responsibility for Updating Official Zoning Map. All amendments hereafter made to the zoning map by ordinance shall be shown on such map(s), and it shall be the responsibility of the planning official to keep the maps up to date at all times. Any amendments to the zoning map shall be made in accordance with the comprehensive plan map, as amended.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

(Ord. No. 2612, § 1(Exh. A), 2-7-2011)

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Chapter 18.05 ZONING MAP AND DISTRICTS

**18.05.020 Districts designated.**

For the purposes of the Code, the city is divided into zoning districts designated as follows:

District	Symbol	Comprehensive Plan Designation
Residential 20,000	R-20	Single-family Low
Residential 15,000	R-15	Single-family Low
Residential 12,000	R-12	Single-family Medium
Residential 10,000	R-10	Single-family Medium
Residential 7,500	R-7.5	Single-family Medium
Residential 6,000	R-6	Single-family High
Residential 5,000	R-5	Single-family High
Multifamily-10	MF-10	Multifamily Low
Multifamily-18	MF-18	Multifamily High
Multifamily-24	MF-24	Multifamily High
Neighborhood Commercial	NC	Commercial
Community Commercial	CC	Commercial
Regional Commercial	RC	Commercial
Mixed Use	MX	Commercial
Downtown Commercial	DC	Commercial
Light Industrial	LI	Industrial
Heavy Industrial	HI	Industrial
Business Park	BP	Industrial
Light Industrial/Business Park	LI/BP	Light Industrial/Business Park
Neighborhood Park	NP	Park
Special Use Park	SU	Park
Open space / green space	OS	Open space / green space

**18.05.030 Boundary determination.**

Unless otherwise specified or shown on the zoning map, district boundaries are lot lines or the centerlines of streets, alleys, railroad, and other rights-of-way:

- A. Where boundaries are other than lot lines or centerlines of streets, alleys, railroad, and other rights-of-way, they shall be determined by dimensions shown on the zoning map;
- B. Where actual streets or other features on the ground vary from those shown on the zoning map, interpretations or adjustments shall be made by the planning commission;
- C. Where a district boundary line, as shown on the zoning map, divides a lot in single ownership at the time of passage of the code, the zoning district classification that has been applied to greater than fifty percent of such lot shall apply.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

**18.05.040 Residential, and multifamily zones ~~and "Area E" overlay district.~~**

- A. ~~All residential development within Area E (as identified on the city's zoning map) shall, in addition to meeting other applicable development regulations, be master planned; such master plan shall~~

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~~specifically address utilities, transportation, landscaping, lighting, signage, setbacks, critical areas, and other factors materially affecting the development and the surrounding area.~~

- BA.** R-20 Residential-20,000. This zone is intended to ensure that the rural character of certain portions of the city is maintained. Residential development is expected to consist of large custom single-family dwellings on uniquely configured lots which are designed to be sensitive to topographic and environmental considerations. The average lot size is twenty thousand square feet at densities of one to two dwellings per acre.
- CB.** R-15 Residential-15,000. This zone is intended for single-family dwellings with a minimum density of two to three dwellings per acre. This zone will permit the rural character of a number of existing neighborhoods to be maintained. The average lot size is fifteen thousand square feet.
- DC.** R-12 Residential-12,000. This zone is intended for single-family dwellings with densities of three to four dwelling units per acre. This zone is designated for areas with steep topography for greater flexibility in site layout, and where potential hazards do not exist. The average lot size is twelve thousand square feet.
- ED.** R-10 Residential-10,000. This zone is intended for single-family dwellings with densities of four to five dwellings per acre. This zone is intended to be zoned near low density residential districts, and where potential natural hazards do not exist. The average lot size is ten thousand square feet.
- FE.** R-7.5 Residential-7,500. This zone is intended for single-family dwellings with densities of five to six dwellings per acre. This zone should have less slope than lower density zones, and be adjacent to existing high density residential districts. The average lot size is seven thousand five hundred square feet.
- GF.** R-6 Residential-6,000. This zone is intended for single-family dwellings with densities of six to seven dwellings per acre. The slope of property is less than other lower density residential zones. This zone serves a transition to multifamily or commercial zones. The average lot size is six thousand square feet.
- HG.** R-5 Residential-5,000. This zone is intended for single-family dwellings, either attached or detached, with densities of up to eight and one-half dwellings per acre. The slope of property is less than other medium density residential zones. Like the R-6 district, this zone serves as a transition to multifamily or commercial zones. The average lot size is five thousand square feet.
- H.** MF-10 Multifamily Residential-10. This zone provides for a diversity of attached dwellings such as duplexes, triplexes, fourplexes, rowhouses, and apartment complexes, with a density of up to ten units per acre. It is desirable for this zone to be adjacent to parks and multi-modal transportation systems. This zone can also serve as a transition between commercial and residential zones.
- I.** MF-18 Multifamily Residential-18. This zone is intended to provide for attached dwellings such as duplexes, triplexes, fourplexes, rowhouses and apartment complexes with a density of eighteen units per acre. It is desirable for this zone to be adjacent to parks and multi-modal transportation systems. This zone also serves as a transition between commercial and residential zones.
- KJ.** MF-24 Multifamily Residential-24. This zone is intended to provide for attached dwellings such as duplexes, triplexes, fourplexes, rowhouses and apartment complexes with a density of twenty-four units per acre. It is desirable for this zone to be adjacent to parks and multi-modal transportation systems. This zone also serves as a transition between commercial and residential zones.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### **18.05.050 Commercial, ~~and industrial,~~ and high technology zones.**

The purpose of the commercial, industrial, and high technology zones are to provide services and employment primarily to residents. These areas are zoned according to the services they provide. As a result, each zone has different characteristics as summarized below:

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- A. NC Neighborhood Commercial. This zone provides for the day-to-day needs of the immediate neighborhood. This zone is intended to be small, but fairly numerous throughout the city. Convenience goods (e.g., food, drugs and sundries), along with personal services (e.g., dry cleaning, barbershop or beauty shop), are common goods and services offered.
- B. CC Community Commercial. This zone provides for the goods and services of longer-term consumption, and tend to be higher-priced items than the neighborhood commercial zone district. Typical goods include clothing, hardware and appliance sales. Some professional services are offered, e.g., real estate office or bank. Eating and drinking establishments may also be provided. This zone tends to vary in size, but is larger than the neighborhood commercial zone.
- C. RC Regional Commercial. This zone provides apparel, home furnishings, and general merchandise in depth and variety, as well as providing services for food clusters and some recreational activities. Regional commercial is the largest of the commercial zones and is designed to serve the region or a significant portion of the region's population.
- D. DC Downtown Commercial. This zone is designated as a large community commercial area, providing a large range of goods and services. This area is designed to promote commercial diversification to serve the immediate residential and office uses in the surrounding areas. Compact development is encouraged that is supportive of transit and pedestrian travel, through higher building heights and floor area ratios than those found in other commercial districts.
- E. LI Light Industrial. This zone provides for uses that are more compatible with commercial, residential, or multifamily uses. Typical uses in this zone include assembly and manufacturing of electronic and precision instruments. More intensive industry, e.g., metal fabrication, is excluded.
- F. LI/BP Light Industrial/Business Park. This zone provides for uses such as, offices related to industrial usage, research and development, limited commercial, and associated warehousing uses, including the provision of employee recreation opportunities. Development in campus-like setting with generous landscaping, well-designed buildings and near major traffic corridors is anticipated.
- G. HI Heavy Industrial. This zone provides for a wide range of industrial and manufacturing uses. Types of activities in this zone include assembly, manufacturing, fabrication, processing, bulk handling and storage, research facilities, associated warehousing, and heavy trucking.
- H. MX Mixed Use. This zone provides for a wide range of commercial and residential uses. Compact development is encouraged that is supportive of transit and pedestrian travel.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

(Ord. No. 2547, § III(Exh. C), 5-18-2009)

#### **18.05.060 Overlay zones/special planning areas.**

Overlay zones implement the goals and values expressed in the comprehensive plan, or special planning areas such as the North Dwyer Creek master plan. Uses within this area may be subject to standards which deviate from those in the primary zone.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)



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**18.05.070 Park zoning.**

The park zoning districts provide recreation and open space functions for the long-term benefit and enjoyment of city residents, adjacent neighborhoods and visitors. These districts apply only to ~~city-owned~~ parkland held in public trust.

(Ord. No. 2667, § II, 12-17-2012 )

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### Chapter 18.07 USE AUTHORIZATION

#### Chapter 18.07 USE AUTHORIZATION

##### Sections:

18.07.010 Establishment of uses.

18.07.020 Interpretation of land use tables.

18.07.030 Table 1—Commercial, industrial and high technology land uses.

18.07.040 Table 2—Residential and multifamily land uses.

##### 18.07.010 Establishment of uses.

The use of a property is defined by the activity for which the building or lot is intended, designed, arranged, occupied or maintained. The use is considered permanently established when that use will, or has been, in continuous operation for a period exceeding sixty days. A use which will operate for less than one hundred eighty days is considered a temporary use, and shall be governed by Chapter 18.47 "Temporary Use Permits." All applicable requirements of this code, or other applicable state or federal requirements, shall govern a use located in the city.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

##### 18.07.020 Interpretation of land use tables.

The land use tables in this chapter determine whether a specific use is allowed in a zone district. The zone district is located on the vertical column and the specific use is located on the horizontal rows of these tables.

- A. If the letter "X" appears in the box at the intersection of the column and the row, the use is not allowed in that district, except for certain temporary uses.
- B. If the letter "P" appears in the box at the intersection of the column and the row, the use is allowed in that district subject to review procedures in accordance with CMC Chapter 18.55 "Administration and Procedures."
- C. If the letter "C" appears in the box at the intersection of the column and the row, the use is allowed subject to the conditional use review procedures specified in Chapter 18.43 "Conditional Use Permits," and the general requirements of the Camas Municipal Code.
- D. If the letter "T" appears in the box at the intersection of the row, the use is temporarily permitted under the procedures of Chapter 18.47 "Temporary Use Permits." Other temporary uses not listed may be authorized as provided in Chapter 18.47
- E. If a number appears in a box at the intersection of the column and the row, the use is subject to the requirements specified in the note corresponding with the number immediately following the table.
- F. Uses accessory to a use permitted or conditionally permitted in any zone may be authorized subject only to those criteria and/or processes deemed applicable by the head of the planning department.
- G. If a use is not listed under either Section 18.07.030 Table 1 or 18.07.040 Table 2, and is not an accessory or temporary use, then the use shall be ~~governed by Chapter 18.49 "Unclassified Use Permits," and other applicable requirements~~ subject to a zoning code text amendment, or whatever review process is deemed more applicable by the ~~head of the planning department~~ community development director.

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A use listed in one table but not the other shall be considered a prohibited use in the latter.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

(Ord. No. 2612, § 1(Exh. A), 2-7-2011)

18.07.030 Table 1—Commercial, ~~r~~ and industrial ~~and high technology~~ land uses.

KEY: P = Permitted Use

C = Conditional Use

X = Prohibited Use

T = Temporary Use

Zoning Districts	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI
<b>Commercial Uses</b>									
Animal kennel, commercial/boarding <sup>6</sup>	X	X	X	C	X	C	X	X	X
Animal shelter <sup>6</sup>	X	X	X	C	X	C	X	C	P
Antique shop <sup>6</sup>	P	P	P	P	P	C	X	X	P
Appliance sales and service <sup>6</sup>	X	P	P	P	P	P	X	C	P
<del>Automatic teller machines (ATM)<sup>6</sup></del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P<sup>5</sup></del>	<del>P</del>	<del>P</del>
Automobile repair (garage) <sup>6</sup>	X	P	C	P	X	P	X	P	P
Automobile sales, new or used <sup>6</sup>	X	P	X	P	X	P	X	P	P
Automobile service station <sup>6</sup>	X	P	C	P	X	P	X	P	P
Automobile wrecking <sup>6</sup>	X	X	X	X	X	X	X	X	C
Bakery (wholesale) <sup>6</sup>	X	X	X	P	X	P	P <sup>5</sup>	P	P
Bakery (retail) <sup>6</sup>	P	P	P	P	P	P	P <sup>5</sup>	P	P
Banks, savings and loan	X	P	P	P	P	P	P <sup>5</sup>	P	P
Barber and beauty shops <sup>6</sup>	P	P	P	P	P	P	P <sup>5</sup>	P	P
Boat building <sup>6</sup>	X	X	X	C	X	C	X	C	P
Boat repair and sales <sup>6</sup>	X	P	X	P	X	P	X	P	P
Book store <sup>6</sup>	C	P	P	P	P	P	P <sup>5</sup>	P	P
Bowling alley/billiards <sup>6</sup>	X	P	X	P	P	P	X	P	P
Building, hardware and garden supply store <sup>6</sup>	X	P	C	P	P	P	X	P	P
Bus station <sup>6</sup>	X	C	C	P	C	P	X	P	P
Cabinet and carpentry shop <sup>6</sup>	X	P	C	P	C	P	P <sup>5</sup>	P	P
Candy; confectionery store <sup>6</sup>	P	P	P	P	P	P	P <sup>5</sup>	P	P
Cart vendors <sup>6</sup>	C	P	C	P	C	P	P <sup>5</sup>	P	P
Cemetery <sup>6</sup>	X	X	X	C	X	X	X	C	P
Clothing store <sup>6</sup>	C	P	P	P	P	P	X	P	P
Coffee shop, <del>or</del> cafe <sup>6</sup> <u>or kiosks<sup>6</sup></u> <sup>1</sup>	P	P	P	P	P	P	P <sup>5</sup>	P	P
Convention center <sup>6</sup>	X	P	X	C	C	P	P	C	X
Day care center <sup>6</sup>	C	P	P	C	P	C	P <sup>5</sup>	C	C
Day care, adult	P	P	P	P	P	P	P	P	P
Day care, family home <sup>6</sup>	P	P	P	P	P	X	P <sup>5</sup>	P	X
Day care, mini-center <sup>6</sup>	P	P	P	P	P	P	P <sup>5</sup>	P	X
Delicatessen (deli) <sup>6</sup>	P	P	P	P	P	P	P <sup>5</sup>	P	P
Department store <sup>6</sup>	X	P	C	P	P	P	X	P	X

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Zoning Districts	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI
<b><u>Electric vehicle battery charging station and rapid charging stations</u></b>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Equipment rental <sup>6</sup>	C	P	C	C	C	P	P <sup>5</sup>	P	P
Event center	X	P	C	P	C	P	P	P	P
Feed store <sup>6</sup>	X	X	X	P	X	C	X	P	P
Fitness center/sports club <sup>6</sup>	X	P	P	P	P	P	P <sup>5</sup>	P	P
Funeral home <sup>6</sup>	X	P	C	P	P	X	X	X	X
Florist shop <sup>6</sup>	P	P	P	P	P	P	P <sup>5</sup>	P	X
Food delivery business <sup>6</sup>	X	P	C	P	C	P	X	P	X
Furniture repair; upholstery <sup>6</sup>	X	P	C	P	P	P	X	P	P
Furniture store <sup>6</sup>	X	P	C	P	P	P	X	P	X
Gas/fuel station <sup>6</sup>	X	P	C	P	X	P	X	P	P
Gas/fuel station with mini market <sup>6</sup>	X	P	C	P	X	P	X	P	P
Grocery, large scale <sup>6</sup>	X	P	C	P	P	C <sup>8</sup>	X	P	P
Grocery, small scale <sup>6</sup>	P	P	C	P	P	P	X	P	P
Grocery, neighborhood scale <sup>6</sup>	P	P	P	P	P	P	P <sup>5</sup>	P	X
Hospital, emergency care <sup>6</sup>	X	C	P	P	P	P	X	P	X
Hotel, motel <sup>6</sup>	X	C	C	P	P	P	X	P	X
Household appliance repair <sup>6</sup>	X	P	C	P	P	P	X	P	P
Industrial supplies store <sup>6</sup>	X	P	X	C	C	C	X	C	P
Laundry/dry cleaning (industrial)	X	X	X	P	X	X	X	P	P
Laundry/dry cleaning (retail) <sup>6</sup>	P	P	P	P	P	P	P <sup>5</sup>	P	P
Laundry (self-serve)	P	P	P	P	P	P	X	P	P
Liquor store <sup>6</sup>	X	P	C	P	C	C	X	C	C
Machine shop <sup>6</sup>	X	X	C	C	C	C	P <sup>5</sup>	C	P
Medical or dental clinics (outpatient) <sup>6</sup>	C	P	P	P	P	P	P <sup>5</sup>	P	P
Mini-storage/vehicular storage <sup>6</sup>	X	X	C	C	X	P	X	P	P
Manufactured home sales lot <sup>6</sup>	X	X	X	P	X	X	X	P	P
Newspaper printing plant <sup>6</sup>	X	P	C	C	X	X	X	P	P
Nursery, plant <sup>6</sup>	X	P	C	C	C	C	X	C	P
Nursing, rest, convalescent, retirement home <sup>6</sup>	C	P	P	P	P	X	X	X	X
Office supply store <sup>6</sup>	X	P	P	P	P	X	P <sup>5</sup>	P	P
Pawnshop <sup>6</sup>	X	X	X	X	X	X	X	C	C
Parcel freight depots <sup>6</sup>	X	P	X	P	X	P	P <sup>5</sup>	P	P
Pet shops <sup>6</sup>	X	P	P	P	P	P	X	P	C
Pharmacy <sup>6</sup>	X	P	P	P	P	P	P <sup>5</sup>	P	P
Photographic/electronics store <sup>6</sup>	X	P	P	P	P	P	P <sup>5</sup>	P	P
Plumbing, or mechanical service <sup>6</sup>	X	X	X	P	C	P	X	P	P
Printing, binding, blue printing <sup>6</sup>	C	P	P	P	P	P	P <sup>5</sup>	P	P
Professional office(s) <sup>6</sup>	C	P	P	P	P	P	P	P	P
Public agency <sup>6</sup>	C	P	P	P	P	P	P	P	P
Real estate office <sup>6</sup>	C	P	P	P	P	P	T	P	P
Recycling center <sup>6</sup>	X	X	X	X	X	X	X	P	P

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Zoning Districts	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI
Recycling collection point <sup>6</sup>	T or C	P	T or C	T or C	C	C	P <sup>5</sup>	P	P
Recycling plant <sup>6</sup>	X	X	X	X	X	X	X	C	P
Research facility <sup>6</sup>	X	P	C	C	X	P	P	P	P
Restaurant <sup>6</sup>	C	P	P	P	C	P	P <sup>5</sup>	P	P
Restaurant, fast food <sup>6</sup>	X	P	C	P	C	P	P <sup>5</sup>	P	P
Roadside produce stand <sup>6</sup>	T	T	T	T	C	X	T	T	T
Sand, soil, gravel sales and storage <sup>6</sup>	X	X	X	X	X	X	X	C	P
Second-hand/consignment store <sup>6</sup>	C	P	P	P	P	P	X	P	P
Sexually Oriented Business <sup>1,5</sup>	X	X	X	X	X	X	P	X	X
Shoe repair and sales <sup>6</sup>	P	P	P	P	P	P	X	P	P
Stock broker, brokerage firm	P	P	P	P	P	P	P	P	P
Specialty goods production (e.g. brew pub)	P	P	P	P	P	P	P	P	P
Taverns <sup>6</sup>	X	P	C	P	C	P	X	P	P
Theater, except drive-in <sup>6</sup>	X	P	C	P	P	P	X	P	P
Truck terminals <sup>6</sup>	X	C	X	C	X	X	X	C	P
Veterinary clinic <sup>6</sup>	X	P	C	P	P	P	X	P	P
Video rental store <sup>6</sup>	P	P	P	P	P	P	X	P	X
Warehousing, wholesale and trade <sup>6</sup>	X	X	X	C	C	P	P <sup>5</sup>	P	P
Warehousing, bulk retail <sup>6</sup>	X	X	X	C	C	X	X	P	P
<b>Manufacturing and/or processing of the following:</b>									
Cotton, wool, other fibrous material	X	X	X	X	X	P	X	P	P
Food production or treatment	X	X	X	C	C	P	X	P	C
Foundry	X	X	X	X	X	X	X	C	C
Furniture manufacturing	X	P	X	X	C	C	X	P	P
Gas, all kinds (natural, liquefied)	X	X	X	X	X	X	X	X	C
Gravel pits/rock quarries	X	X	X	X	X	X	X	C	P
Hazardous waste treatment—Off-site	X	X	X	X	X	X	X	X	P
Hazardous waste treatment—On-site	X	X	X	X	X	X	X	X	P
Junkyard/wrecking yard	X	X	X	X	X	X	X	X	C
Metal fabrication and assembly	X	X	X	X	X	C	X	X	P
Hazardous waste treatment—On-site	X	X	X	X	X	X	X	X	P
Paper, pulp or related products	X	X	X	X	X	X	X	X	P
Signs or other advertising structures	X	X	X	C	C	C	P	C	P
Electronic equipment	X	P	X	X	X	X	P	P	P
<b>Industrial Uses</b>									
High-tech industry	X	P	X	X	P	P	P <sup>2</sup>	X	X
Manufacturing of miscellaneous goods (e.g. musical instruments, toys, vehicle parts)	X	X	X	X	C	X	X	P	P
Optical goods	X	C	C	C	C	P	P <sup>5</sup>	P	P
Packaging of prepared materials	X	X	C	P	C	C	P <sup>5</sup>	C	P
Scientific and precision instruments	X	P	X	X	X	P	P	P	P

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Zoning Districts	NC	DC	CC	RC	MX	BP	LI/BP	LI	HI
<b>Recreational, Religious, Cultural Uses</b>									
Auditorium <sup>6</sup>	C	P	P	P	P	P	X	P	P
Community club <sup>6</sup>	C	P	P	P	P	P	X	P	P
Church <sup>6</sup>	P	P	P	P	P	P	X	P	P
Golf course/driving range <sup>6</sup>	P	X	P	P	X	P	P <sup>5</sup>	P	P
Library <sup>6</sup>	C	P	P	P	P	P	X	P	P
Museum <sup>6</sup>	C	P	P	P	P	P	X	P	P
Recreational vehicle park <sup>6</sup>	X	X	X	C	X	X	X	P	P
Open space <sup>6</sup>	P	P	P	P	P	P	P	P	P
Park or playground	P	P	P	P	P	P	P	P	P
Sports fields <sup>6</sup>	C	X	P	P	P	P	X	P	P
Trails	P	P	P	P	P	P	P	P	P
<b>Educational Uses</b>									
College/university <sup>6</sup>	P	P	P	P	P	P	X	P	P
Elementary school <sup>6</sup>	P	P	P	P	P	P	X	P	P
Junior or senior high school <sup>6</sup>	P	P	P	P	P	P	X	P	P
Private, public or parochial school <sup>6</sup>	P	P	P	P	P	P	X	P	P
Trade, technical or business college <sup>6</sup>	P	P	P	P	P	P	P	P	P
<b>Residential Uses</b>									
Adult family home	C	P	P	X	P	X	X	P	X
Assisted living	C	P	P	X	P	X	X	X	X
Bed and breakfast	P	P	P	X	P	X	X	P	X
Designated manufactured home	X	X	X	X	P	X	X	X	X
Duplex or two-family dwelling	X	C/P <sup>7</sup>	X	X	P	X	X	P	X
Group home	C	P	P	X	P	X	X	P	X
Home occupation	P	P	P	X	P	X	X	P	X
Housing for the disabled	P	P	P	X	P	X	X	X	X
Apartment	X	P	X	X	P	X	X	P	X
Residence accessory to and connected with a business	P	P	P	X	P	X	X	P	X
Single-family attached (e.g. rowhouses)	X	C/P <sup>7</sup>	X	X	P	X	X	X	X
Single-family dwelling	X	X	X	X	P	X	X	X	X
<b>Communication, Utilities and Facilities</b>									
<b>Electrical vehicle infrastructure</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
Major telecommunication facility <sup>6</sup>	X	X	X	X	X	X	X	X	C
Minor telecommunication facility	P	P	P	P	P	P	P	C	P
Wireless communications facility <sup>3,6</sup>	<b>X</b>	<b>C</b>	<b>C</b>	<b>P</b>	<b>C</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
Facilities, minor public	P	P	P	P	C	P	P	C	P
Facility, essential <sup>6</sup>	X	X	C	C	C	C	P	C	C
Railroad tracks and facilities <sup>6</sup>	C	X	C	C	C	X	X	C	C
<b>Temporary Uses</b>									
Temporary sales office for a development <sup>4</sup>	T	T	T	T	T	T	T	T	T

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Notes:

1. See CMC Chapter 5.36 Sexually Oriented Businesses for additional regulations for siting sexually oriented business facilities.
2. Similar uses are permitted in the zone district only at the discretion of the community development director or designee.
3. See CMC Chapter 18.35 "Telecommunication Ordinance" for wireless communication uses permitted according to the zone district.
4. See CMC Chapter 18.47 "Temporary Uses" for additional regulations.
5. See secondary use provisions of LI/BP zone.
6. See CMC Chapter 18.19 "Design Review" for additional regulations. CMC Chapter 18.19 is not applicable to development in the LI/BP zone.
7. Residential uses may be outright permitted if part of a mixed use building, where residential use is not located on the ground level; otherwise it shall be a conditional use.
8. If grocery store is less than one hundred thousand square feet then use is outright permitted. If one hundred thousand square feet or over then a conditional use permit is required.

**18.07.040 Table 2—Residential and multifamily land uses.**

KEY: P = Permitted Use

C = Conditional Use

X = Prohibited Use

T = Temporary Use

**Authorized Uses in Residential and Multifamily Zones**

	<b>R</b>	<b>MF</b>
<b>Residential Uses</b>		
<b>Adult family homes</b>	<b>P</b>	<b>P</b>
<b>Boarding house</b>	<b>X</b>	<b>C</b>
Adult family home, residential care facility, supported living arrangement, or housing for the disabled <sup>1</sup>	P	P
Apartments	P <sup>2</sup>	P
Assisted living <sup>1</sup>	C	P
Designated manufactured homes	P	P
Duplex or two-family dwelling	C	P
Manufactured home	X	X
Manufactured home park	X	C
Nursing, rest, convalescent, retirement home <sup>1</sup>	C	P
Single-family attached (e.g., rowhouses)	P <sup>2</sup>	P

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	<b>R</b>	<b>MF</b>
Single-family dwelling (detached)	P	P
<b>Incidental Uses</b>		
Accessory dwelling unit	P	P
Day care center <sup>1</sup>	C	P
Day care, family home	P	P
Day care, minicenter <sup>1</sup>	C	P
<b><u>Electric vehicle battery charging station and rapid charging stations</u></b>	<b><u>P</u></b>	<b><u>P</u></b>
Gardening and horticulture activities	P	P
Home occupation	P	P
Bed and breakfast <sup>1</sup>	C	C
<b>Recreation/Religious/Cultural</b>		
Church <sup>1</sup>	C	C
Community clubs, private or public <sup>1</sup>	C	C
Library <sup>1</sup>	C	C
Museum <sup>1</sup>	C	C
Open space <sup>1</sup>	P	P
Public or semi-public building <sup>1</sup>	C	C
Park or playground	P	P
Sports fields <sup>1</sup>	C	C
Trails	P	P
<b>Educational Uses</b>		
Private, public or parochial school <sup>1</sup>	C	C
Trade, technical, business college <sup>1</sup>	X	X
College/university <sup>1</sup>	X	X
<b>Communication and Utilities</b>		
Major communication facility <sup>1</sup>	X	X
Minor communication facility	C	C
Wireless communication facility <sup>1</sup>	C	C
Facilities, minor public	C	C
Public utilities, minor	C	C
Pumping station <sup>1</sup>	C	C
Railroad tracks and facilities 1	C	C
<b>Temporary Uses</b>		
Sales office for a development in a dwelling <sup>1,4</sup>	T	T
Sales office for a development in a trailer <sup>3,4</sup>	T	T

Notes:

1. See Chapter 18.19 "Design Review" for additional regulations.
2. Permitted in the R zones as part of a planned development only.
3. Site plan review required per CMC Section 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 one hundred eighty days.

**18.07.050 Table 2-Park and open space land uses**

**KEY:**



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P = Permitted Use  
C = Conditional Use  
X = Prohibited Use  
T = Temporary Use

**Authorized Uses in Park and Open Space Zones**

<b>General Uses</b>	<b>NP</b>	<b>SU</b>	<b>OS</b>
1. City-approved festivals, community events, and event center	P	P	X
2. >Community and recreation centers	P	P	X
3. Community gardens	P	P	C
4. Concession stands	P	P	X
5. Open Spaces	P	P	P
6. Other buildings and structures to support park use	P	P	P
7. Other uses identified through the Park, Recreation and Open Space Comprehensive Plan	P	P	P
8. Parking areas/lots to serve park use	P	P	P
9. Pedestrian and multi-use trails	P	P	P
10. Recreation areas and facilities	P	P	C
11. Residence for park caretaker and accessory structures	C	P	P
12. Restrooms	P	P	P
13. Stages and band shells	P	P	X
14. Temporary Use	T	T	T
<b>Utility Uses</b>			
15. Public utilities, minor	P	P	P
16. Pumping station	C	P	P
17. Railroad tracks and facilities	X	X	X
18. Communication facilities, minor	C	C	X
19. Communication facilities, major	X	X	X

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### Chapter 18.09 DENSITY AND DIMENSIONS

#### **Chapter 18.09 DENSITY AND DIMENSIONS**

##### **Sections:**

- 18.09.010 Purpose.
- 18.09.020 Interpretation of tables.
- 18.09.030 Table 1—Density and dimensions for commercial and industrial zones.
- 18.09.040 Table 2—Density and dimensions—Single-family residential zones.
- 18.09.050 Table 3—Density and dimensions for multifamily residential zones.1
- 18.09.060 Density transfers.
- 18.09.080 Lot sizes.
- 18.09.090 Reduction prohibited.
- 18.09.100 Lot exception.
- 18.09.110 Height—Exception.
- 18.09.120 Roof overhang permitted.
- 18.09.130 Setback—Exception.
- 18.09.140 Front yard—Exception.
- 18.09.150 Side yard—Exception.
- 18.09.160 Side yard—Flanking street.
- 18.09.170 Rear yard—Exception.
- 18.09.180 Elevated decks.

##### **18.09.010 Purpose.**

The purpose of this chapter is to establish requirements for development relative to basic dimensional standards, as well as specific rules for general application. The standards and rules are established to provide flexibility in project design, maintain privacy between adjacent land uses, and promote public safety. Supplementary provisions are included to govern density calculations for residential districts and specific deviations from general rules.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

##### **18.09.020 Interpretation of tables.**

- A. The Camas Municipal Code Sections 18.09.030 through 18.09.050 (Tables) contain general density and dimension standards of the particular zone districts. Additional rules and exceptions are stated in Sections 18.09.060 through 18.09.180
- B. The density and dimension tables are arranged in a matrix format on three separate tables, and are delineated into three general land use categories:
  - 1. Commercial and industrial;

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- 2. Single-family residential; and
  - 3. Multifamily residential.
- C. Development standards are listed down the left side of the tables, and the zones are listed across the top. Each cell contains the minimum or maximum requirement of the zone. Footnote numbers identify specific requirements found in the notes immediately following the table. Additional dimensional and density exceptions are included in Sections 18.09.060 through 18.09.180 of this chapter following the tables.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

18.09.030 Table 1—Density and dimensions for commercial and industrial zones.

	NC	DC	CC	RC	MX	LI	BP	HI	LI/BP <sup>Note 4</sup>
<b>Bulk Regulations</b>									
Minimum lot area (square feet)	5,000	Note 1	Note 1	Note 1	1,800	10,000	½ acre	Note 1	10 acres
Minimum lot width (feet)	40	Note 1	Note 1	Note 1	Note 1	100	100	Note 1	Not specified
Minimum lot depth (feet)	40	>Note 1	Note 1	Note 1	Note 1	Note 1	100	Note 1	Not specified
<b>Setbacks</b>									
Minimum front yard (feet) <sup>Note 3</sup>	15	Note 5	Note 5	Note 5	Note 6	Not specified	15	Note 1	5' per 1 foot of building height (200' minimum)
Minimum side yard (feet)	Note 1 10 <sup>Note 2</sup>	Note 1	Note 1	Note 1	Note 1	15' or 25' if abutting a residential area	15	Note 1	100' for building; 25' for parking
Minimum rear yard (feet)	Note 1	Note 1	Note 1	Note 1	Note 1	25'	50	Note 1	100' for building; 25' for parking area
<b>Lot Coverage</b>									
Lot coverage (percentage)	85%	Note 1	Note 1	Note 1	Note 1	70%	50%	>Note 1	1 story (30%) 2 stories (40%) 3 stories (45%)
<b>Building Height</b>									
Maximum building height (feet)	2.5 stories; or 35	Note 1	Note 1	Note 1	Note 1	acre or less: 35' 1 to 2 acres: 45' 2 acres or more: 60'	Note 1	Note 1	60

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Notes:

1. No limitation.
2. If along a flanking street of corner lot.
3. On corner parcels, (parcels bordered by two or more streets), the setback requirements shall be the same for all street frontages. Front setback restrictions shall apply.
4. The densities and dimensions in the LI/BP zone may be reduced under a planned industrial development. See Chapters 18.20 North Dwyer Creek Residential Overlay and 18.21 Light Industrial/Business Park.
5. Residential dwelling units shall satisfy the setbacks of CMC Section 18.09.040 Table 2, based on comparable lot size.
6. Maximum setback at front building line is ten feet.  
(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)  
  
(Ord. No. 2545, § III, 5-4-2009; Ord. No. 2547, § V(Exh. E), 5-18-2009; Ord. No. 2612, § I(Exh. A), 2-7-2011; Ord. No. 2672, § III(Exh. C), 1-22-2013 )

18.09.040 Table 2—Density and dimensions—Single-family residential zones.

Density and Dimensions for Single-family Residential Zones<sup>1</sup>

	R-5	R-6	R-7.5	R-10	R-12	R-15	R-20
<b>A. Standard New Lots</b>							
Maximum density (dwelling units/gross acre)	8.7	7.2	5.8	4.3	3.6	2.9	2.1
Average lot area (square feet) <sup>5</sup>	5,000	6,000	7,500	10,000	12,000	15,000	20,000
Minimum lot size (square feet)	4,000	4,800	6,000	8,000	9,600	12,000	16,000
Maximum lot size (square feet) <sup>4</sup>	6,000	7,200	9,000	12,000	14,400	18,000	24,000
Minimum lot width (feet)	50	60	70	80	90	100	100
Minimum lot depth (feet)	80	90	90	100	100	100	100
Maximum building lot coverage	45%	40%	40%	35%	30%	30%	30%
Maximum building height (feet) <sup>3</sup>	35	35	35	35	35	35	35
<b>B. Density Transfer Lots<sup>1</sup></b>							
Maximum density (dwelling units/gross acre)	8.7	7.2	5.8	4.3	3.6	2.9	2.1
Minimum lot size (square feet)	3,500	4,200	5,250	7,000	8,400	10,500	14,000
Maximum lot size (square feet) <sup>4</sup>	6,000	7,200	9,000	12,000	14,400	18,000	24,000
Minimum lot width (feet) <sup>1</sup>	40	50	60	60	70	80	90
Minimum lot	80	80	80	90	90	100	100

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depth (feet) <sup>1</sup>							
Maximum building lot coverage	45%	40%	40%	40%	35%	35%	30%
Maximum building height (feet) <sup>3</sup>	35	35	35	35	35	35	35
C. Setbacks based on average lot sizes (not zone specific) <sup>2</sup>	Up to 4,999 sq. ft.	5,000 to 7,499 sq. ft.	7,500 to 9,999 sq. ft.	10,000 to 11,999 sq. ft.	12,000 to 14,999 sq. ft.	15,000 to 19,999 sq. ft.	20,000 or more sq. ft.
Minimum front yard (feet)	15	20	20	20	25	30	30
Minimum side yard and corner lot rear yard (feet)	5	5	5	5	10	15	15
Minimum side yard flanking a street (feet)	15	20	20	20	25	30	30
Minimum rear yard (feet)	20	25	25	25	30	35	35
Minimum lot frontage on a cul-de-sac or curve (feet)	25	30	30	30	35	40	40

Notes:

1. For additional density provisions, see CMC Sections 18.09.060 through 18.09.180
2. Setbacks may be reduced to be consistent with average lot sizes of the development in which it is located. Notwithstanding the setbacks requirements of this chapter, setbacks and/or building envelopes clearly established on an approved plat or development shall be applicable.
3. Maximum building height: three stories and a basement, not to exceed height listed.
4. For parcels with an existing dwelling, a one time exception may be allowed to partition from the parent parcel a lot that exceeds the maximum lot size permitted in the underlying zone. Any further partitioning of the parent parcel or the oversized lot must comply with the lot size requirements of the underlying zone.
5. Average lot area is based on the square footage of all lots within the development or plat. The average lot size may vary from the stated standard by no more than five hundred square feet.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

(Ord. No. 2612, § I(Exh. A), 2-7-2011)

18.09.050 Table 3—Density and dimensions for multifamily residential zones.<sup>1</sup>

	MF-10	MF-10 Attached	MF-18	MF-18 Attached	MF-24	MF-24 Attached
<b>Density</b>						
Maximum density (dwelling units per gross acre)	10	14	18	20	24	24
<b>Standard lots</b>						
Minimum lot area (square feet)	5,000	3,000	5,000	2,100	5,000	1,800

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<b>Minimum lot area per dwelling unit (square feet)</b>	4,350	3,000	2,420	2,100	1,815	1,800
<b>Minimum lot width (feet)</b>	50	20	50	20	50	20
<b>Minimum lot depth (feet)</b>	90	75	90	70	90	65
<b>Setbacks</b>						
<b>Minimum front yard (feet)</b>	15	15	15	10	15	10
<b>Minimum side yard (feet)<sup>1</sup></b>	10	5	10	5	10	5
<b>Minimum side yard, flanking a street (feet)</b>	15	15	15	15	15	15
<b>Minimum rear yard<sup>2</sup></b>	10	10	10	10	10	10
<b>Lot coverage</b>						
<b>Maximum building lot coverage</b>	45%	55%	55%	65%	65%	75%
<b>Building height</b>						
<b>Maximum building height (feet)<sup>3</sup></b>	35	35	45	45	45	45

Notes:

1. For single-family attached housing, the setback for the nonattached side of a dwelling unit shall be five feet.
2. For single-family attached housing, the R zone property setback for the nonattached rear of a dwelling unit shall be ten feet, except abutting MF, where the rear yard may be no less than ninety percent of the adjacent zone.
3. Maximum building height: three stories and a basement but not to exceed height listed above.  
(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)  
(Ord. No. 2612, § I(Exh. A), 2-7-2011)

**18.09.060 Density transfers.**

- A. Purpose. To achieve the density goals of the comprehensive plan with respect to the urban area, while preserving environmentally sensitive lands and the livability of the single-family residential neighborhoods, while also maintaining compatibility with existing residences.
- B. Scope. This section shall apply to new development in all residential (R) zoning districts.
- C. Where a land division proposes to set aside a tract for the protection of a critical area, natural open space network, or network connector (identified in the City of Camas parks plan), or approved as a recreational area, lots proposed within the development may utilize the density transfer standards under CMC Section 18.09.040 Table-2.
- D. Where a tract under "C" above, includes one-half acre or more of contiguous acreage, the city may provide additional or negotiated flexibility in lot sizes, lot width, depth, or setback standards. In no case shall the maximum gross density of the overall site be exceeded.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

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### Chapter 18.09 DENSITY AND DIMENSIONS

#### 18.09.080 Lot sizes.

- A. In planned residential developments with sensitive lands and the required recreational open space set aside, a twenty percent density bonus on a unit count basis is permitted. Density may be transferred for sensitive areas but the total lot count shall never exceed the number of lots established in the density standards established in CMC Section 18.23.040 "Density Standards."
- B. When creating new lots via short plats or subdivisions that are adjacent to a different residential zone designation, the new lots along that common boundary shall be the maximum lot size allowed for the zone designation of the new development (if a lower density adjacent zone), or the minimum lot size allowed for the zone designation of the new development (if a greater density adjacent zone), as based on CMC 18.09.040 Table 2, Section A. In applying this section, where a land division is required to increase the size of lots, the land division may utilize the density transfer provisions provided for in CMC Section 18.09.060

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

(Ord. No. 2612, § I(Exh. A), 2-7-2011)

#### 18.09.090 Reduction prohibited.

No lot area, yard, open space, off-street parking area, or loading area existing after the effective date of the ordinance codified in this chapter shall be reduced below the minimum standards required by the ordinance codified in this chapter, nor used as another use, except as provided in Chapter 18.41 "Nonconforming Lots, Structures, Uses."

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### 18.09.100 Lot exception.

If at the time of passage of the code, a lot has an area or dimension which does not conform with the density provisions of the zoning district in which it is located, the lot may be occupied by any use permitted outright in the district, subject to the other requirements of the district. The person claiming benefits under this section shall submit documentary proof of the fact that the lot existed by title at the time of passage of the code. See Section 18.41.040 "Buildable lot of record."

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### 18.09.110 Height—Exception.

The following type of structures or structural parts are not subject to the building height limitations of the code: tanks, church spires, belfries, domes, monuments, fire and hose towers, observation towers, transmission towers, wind turbines, chimneys, flag poles (see setbacks at CMC§18.09.130(G)), radio and television towers, masts, aerials, cooling towers, and other similar structures or facilities. The heights of telecommunication facilities are addressed in CMC Chapter 18.35 Telecommunication Ordinance.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

(Ord. No. 2612, § I(Exh. A), 2-7-2011)

#### 18.09.120 Roof overhang permitted.

The maximum a roof overhang may intrude into yard setbacks shall be as follows:

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Yard Setback	Maximum Roof Overhang
5 feet	2 feet
10 feet	3.5 feet
15 feet	5 feet
15 feet or greater	5 feet

**18.09.130 Setback—Exception.**

- A. Cornices, eaves, chimneys, belt courses, leaders, sills, pilasters, or other similar architectural or ornamental features (not including bay windows or vertical projections) may extend or project into a required yard not more than two feet.
- B. Open balconies, unenclosed fire escapes, or stairways, not covered by a roof or canopy, may extend or project into a required front yard, or a required rear yard along a flanking street of a corner lot, or into a required side yard, not more than three feet.
- C. Open, unenclosed patios, terraces, roadways, courtyards, or similar surfaced areas, not covered by a roof or canopy, and not more than thirty inches from the finished ground surface, may occupy, extend, or project into a required yard.
- D. Cantilevered floors, bay windows, or similar architectural projections, not wider than twelve feet, may extend or project into the required side yard along a flanking street of a corner lot not more than two feet. The total of all projections for each building elevation shall not exceed fifty percent of each building elevation.
- E. Detached accessory buildings or structures may be established in a side or rear yard, provided such structure maintains a minimum setback of five feet from side and rear lot lines, and a minimum six feet setback from any building. In no event shall an accessory building(s) occupy more than thirty percent of a rear yard requirement. For accessory dwelling units, see Chapter 18.27.
- F. On sloping lots greater than fifty percent, only uncovered stairways and wheelchair ramps that lead to the front door of a building may extend or project into the required front yard setback no more than five feet in any R or MF zone.
- G. Flag poles may be placed within any required yard but shall maintain a five-foot setback from any lot line.

**18.09.140 Front yard—Exception.**

- A. Commercial and Industrial Districts. For a lot in a NC, CC, RC, LI or HI district proposed for commercial or industrial development, which is across a street from a residential (R) zone, the yard setback from the street shall be fifteen feet.
- B. Sloping Lot in any Zone. If the natural gradient of a lot from front to rear along the lot depth line exceeds an average of twenty percent, the front yard may be reduced by one foot for each two



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percent gradient over twenty percent. In no case under the provisions of this subsection shall the setback be less than ten feet.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### **18.09.150 Side yard—Exception.**

For a lot in a NC, CC or RC district containing a use other than a dwelling structure, and adjoining a residential zoning district, minimum side yard along a side lot line adjoining a lot in a residential zoning district shall be fifteen feet. In the case of a lot in a LI or HI district the side yard setbacks shall be twenty feet. If the adjoining residential district is within an area shown in the comprehensive plan for future commercial or industrial use or expansion, no minimum side yard shall be required.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### **18.09.160 Side yard—Flanking street.**

For a corner lot in a NC, CC, RC, LI or HI district proposed for commercial or industrial development, which is across a street from a residential (R) zone, the yard setback from the street shall be fifteen feet.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### **18.09.170 Rear yard—Exception.**

For a lot in a NC, CC or RC district containing a use other than a dwelling structure and adjoining a residential zoning district, minimum rear yard along a rear lot line adjoining a side or rear yard of a lot in a residential zoning district shall be fifteen feet. In the case of a lot in a LI or HI district, the rear yard setback shall be twenty feet. If the adjoining residential district is within an area shown in the comprehensive plan for future commercial or industrial use or expansion, no minimum rear yard shall be required.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### **18.09.180 Elevated decks.**

Rear Yard Setback. The rear yard setback for an elevated deck shall be fifteen feet. As used herein, an elevated deck shall mean a deck thirty inches or more aboveground level that is physically attached to a residential structure. The areas covered by an elevated deck shall be counted when calculating the maximum lot coverage permitted under the applicable density provisions.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

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### Chapter 18.11 PARKING

#### **Chapter 18.11 PARKING**

##### **Sections:**

- 18.11.010 Parking policy designated.
- 18.11.020 Design.
- 18.11.030 Location.
- 18.11.040 Units of measurement.
- 18.11.050 Change or expansion.
- 18.11.060 Unspecified use.
- 18.11.070 Joint use.
- 18.11.080 Plan submittal.
- 18.11.090 Landscaping.
- 18.11.100 Residential parking.
- 18.11.110 Parking for the handicapped.
- 18.11.120 Additional requirements.
- 18.11.130 Standards.
- 18.11.140 Loading standards.

#### **18.11.010 Parking policy designated.**

Except as hereafter provided for the MX District and DC District, in all Districts there shall be provided minimum off street parking spaces in accordance with the requirements of Section 18.11.020. Such off street parking spaces shall be provided at the time of erecting new structures, or at the time of enlarging, moving, or increasing the capacity of existing structures by creating or adding dwelling units, commercial or industrial floor space, or seating facilities. Under no circumstances shall off street parking be permitted in the vision clearance area of any intersection. Off street parking will only qualify if located entirely on the parcel in question, and not on City owned right-of-way or privately owned streets less than twenty feet in width. Covered parking structures shall not be permitted within the front yard set back or side yard set back along a flanking street.

For projects one-half block or less in size in the DC District and MX District, the Community Development Director may waive the off street parking requirements if the City Engineer finds that the anticipated parking needs of the project can be adequately met by existing off street parking on site, if any, and on street parking adjacent to the project. The Community Development Director may, as a condition of waiving the off street parking requirements of Section 18.11.020, require that on street parking be converted at the expense of the applicant to angle parking or another parking configuration approved by the City Engineer.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

(Ord. No. 2545, § III, 5-4-2009; Ord. No. 2547, § VI, 5-18-2009)

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Chapter 18.11 PARKING

**18.11.020 Design.**

The design of off-street parking shall be as follows:

- A. Ingress and Egress. The location of all points of ingress and egress to parking areas shall be subject to the review and approval of the city.
- B. Backout Prohibited. In all commercial and industrial developments and in all residential buildings containing five or more dwelling units, parking areas shall be so arranged as to make it unnecessary for a vehicle to back out into any street or public right-of-way.
- C. Parking Spaces—Access and Dimensions. Adequate provisions shall be made for individual ingress and egress by vehicles to all parking stalls at all times by means of unobstructed maneuvering aisles. The city is directed to promulgate and enforce standards for maneuvering aisles and parking stall dimensions, and to make such standards available to the public.
- D. Small Car Parking Spaces. A maximum of thirty percent of the total required parking spaces may be reduced in size for the use of small cars, provided these spaces shall be clearly identified with a sign permanently affixed immediately in front of each space containing the notation "compacts only." Spaces designed for small cars may be reduced in size to a minimum of eight feet in width and fifteen feet in length. Where feasible, all small car spaces shall be located in one or more contiguous areas and/or adjacent to ingress/egress points within parking facilities. Location of compact car parking spaces shall not create traffic congestion or impede traffic flows.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

(Ord. No. 2612, § 1(Exh. A), 2-7-2011)

**18.11.030 Location.**

Off-street facilities shall be located as hereafter specified. Such distance shall be the maximum walking distance measured from the nearest point of the parking facility to the nearest point of the building that such facility is required to serve:

- A. For single-family or two-family dwelling and motels: on the same lot with the structure they are required to serve.
- B. For multiple dwelling, rooming or lodging house: two hundred feet.
- C. For hospital, sanitarium, home for the aged, or building containing a club: three hundred feet.
- D. For uses other than those specified above: four hundred feet.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

**18.11.040 Units of measurement.**

- A. In a stadium, sports arena, church, or other place of assembly, each twenty inches of bench seating shall be counted as one seat for the purpose of determining requirements for off-street parking facilities.
- B. For purposes of determining off-street parking as related to floor space of multilevel structures and building, the following formula shall be used to compute gross floor area for parking determination:

Main floor	100%
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Basement and second floor	50%
Additional stories	25%

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

**18.11.050 Change or expansion.**

Except in a DC District or MX District, whenever a building is enlarged or altered, or whenever the use of a building or property is changed, off street parking shall be provided for such expansion or change of use. The number of off street parking spaces required shall be determined for only the square footage of expansion and not the total square footage of the building or use; however, no additional off street parking space need be provided where the number of parking spaces required for such expansion, enlargement, or change in use since the effective date of this Code is less than ten percent of the parking spaces specified in the Code. Nothing in this provision shall be construed to require off street parking spaces for the portion and/or use of such building existing at the time of passage of the Code.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

(Ord. No. 2545, § III, 5-4-2009; Ord. No. 2547, § VII, 5-18-2009)

**18.11.060 Unspecified use.**

In case of a use not specifically mentioned in Section 18.11.130 of this chapter, the requirements for off-street parking facilities shall be determined by the city in accordance with a conditional use permit. Such determination shall be based upon the requirements for the most comparable use listed.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

**18.11.070 Joint use.**

The city may authorize the joint use of parking facilities for the following uses or activities under conditions specified:

- A. Up to fifty percent of the parking facilities required by the code for a theater, bowling alley, tavern, or restaurant may be supplied by the off-street parking facilities provided by certain types of buildings or uses herein referred to as "daytime" uses in subsection D of this section.
- B. Up to fifty percent of the off-street parking facilities required for any building or use specified in subsection D of this section, "daytime" uses, may be supplied by the parking facilities provided by uses herein referred to as "nighttime or Sunday" uses in subsection E of this section.
- C. Up to one hundred percent of the parking facilities required for a church or for an auditorium incidental to a public or parochial school may be supplied by the off-street parking facilities provided by uses herein referred to as "daytime" uses in subsection D of this section.
- D. For the purpose of this section, the following and similar uses are considered as primary daytime uses: banks, offices, retail, personal service shops, household equipment or furniture stores, clothing or shoe repair shops, manufacturing or wholesale buildings, and similar uses.

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- E. For the purpose of this section, the following and similar uses are considered as primary nighttime or Sunday uses: auditorium incidental to a public or parochial school, churches, bowling alleys, theaters, taverns or restaurants.
- F. Owners of two or more buildings or lots may agree to utilize jointly the same parking space, subject to such conditions as may be imposed by the city. Satisfactory legal evidence shall be presented to the city in the form of deeds, leases, or contracts to establish the joint use. Evidence shall be required that there is no substantial conflict in the principal operating hours of the buildings or uses for which joint off-street parking is proposed.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### **18.11.080 Plan submittal.**

Every tract or lot hereafter used as public or private parking area, having a capacity of five or more vehicles, shall be developed and maintained in accordance with the requirements and standards of this chapter.

The plan of the proposed parking area shall be submitted to the city at the time of the application for the building for which the parking area is required. The plan shall clearly indicate the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping, and other features and appurtenances required. The parking facility shall be developed and completed to the required standards before an occupancy permit for the building may be issued.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### **18.11.090 Landscaping.**

Landscaping requirements for parking areas shall be provided under Chapter 18.13 "Landscaping."

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### **18.11.100 Residential parking.**

Residential off-street parking space shall consist of a parking strip, driveway, garage, or a combination thereof, and shall be located on the lot they are intended to serve.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### **18.11.110 Parking for the handicapped.**

Off-street parking and access for the physically handicapped persons shall be provided in accordance with the international building code.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### **18.11.120 Additional requirements.**

In addition to the basic standards and requirements established by other sections of this chapter, the city may make such other requirements or restrictions as shall be deemed necessary in the interests of safety, health and general welfare of the city, including, but not limited to, lighting, jointly development of parking facilities, entrances and exits, accessory uses, and conditional exceptions. Further, performance bonds may be required in such cases where the city determines that such shall be necessary to guarantee proper completion of improvements within time periods specified.

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(Ord. 2515 § 1 (Exh. A (part)), 2008: Ord. 2443 § 3 (Exh. A (part)), 2006)

**18.11.130 Standards.**

The minimum number of off-street parking spaces for the listed uses shall be shown in Table 18.11-1, Off-Street Parking Standards. The city shall have the authority to request a parking study when deemed necessary.

<b>Use</b>	<b>Required Number of Off-Street Parking Spaces</b>
<b>Residential</b>	
Single-family dwelling, duplex, rowhouse	2 per unit
Studio apartment	1
Apartment 1 bedroom/ 2+ bedrooms	1.5/2
Housing for elderly (apartment/unassisted)	.33 per unit
Retirement dwellings	2 per unit
Residential care facility/assisted living	1 per 2 beds + 1 per day shift employee
<b>Lodging</b>	
Hotel or motel	1 space per unit plus additional for bars, restaurants, assembly rooms
Bed and breakfast	1 space per room
<b>Recreation</b>	
Marina	1 space per 2 slips
Miniature golf	1 per hole
Golf course	6 spaces per hole and 1 per employee
Golf driving range	1 space per 15 feet of driving line
Theater, auditorium	1 space per 4 seats maximum occupancy
Stadium, sports arena	1 space per 4 seats, or 1 for each 8 feet of benches, plus 1 space per 2 employees
Tennis, racquetball, handball, courts/club	3 spaces per court or lane, 1 space per 260 square feet of gross floor area (GFA) of related uses, and 1 space per employee
Basketball, volleyball court	9 spaces per court
Bowling, bocce ball center, billiard hall	5 spaces per alley/lane, and/or table
Dance hall, bingo hall, electronic game rooms, and assembly halls without fixed seats	1 space per 75 square feet of gross floor area (GFA)
Sports club, health, spa, karate club	1 space per 260 square feet of gross floor area, plus 1 space per employee
Roller rink, ice-skating rink	1 space per 100 square feet of gross floor area
Swimming club	1 space per 40 square feet of gross floor area
Private club, lodge hall	1 space per 75 square feet of gross floor area
<b>Institutional</b>	
Church/chapel/ synagogue/temple	1 space per 3 seats or 6 feet of pews
Elementary/middle/ junior high school	1 space per employee, teacher, staff, and 1 space per 15 students
Senior high school	1 space per employee, teacher, staff, and 1 space

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Use	Required Number of Off-Street Parking Spaces
	per 10 students
Technical college, trade school, business school	1 space per every 2 employees, staff, and 1 space per every full-time student, or 3 part-time students
University, college, seminary	1 per every 2 employees and staff members, and either 1 per every 3 full-time students not on campus, or 1 for every 3 part-time students, whichever is greater
Multi-use community centers	1 per 4 seats maximum occupancy
Museum, art gallery	1 space per 500 square feet of gross floor area
Library	1 per employee and 1 per 500 square feet of gross floor area
Post office	1 per 500 square feet of gross floor area, plus 1 space per each 2 employees
<b>Medical care facilities</b>	
Hospitals	1 per 2 beds
Veterinary clinic/hospital	1 space per 250 square feet of gross floor area
Medical/dental clinic/office	1 per employee plus 1 per 300 square feet of gross floor area
<b>Office</b>	
General offices	1 per employee, plus 1 per 400 square feet of gross floor area
General office (no customer service)	1 per 250 square feet of gross floor area
Office park	1 space per 400 square feet of gross floor area
Meeting rooms	1 per 4 person occupancy load, and 1 per 2 employees
<b>Commercial/service</b>	
Automobile sales new/used	1 per 400 square feet of gross floor area
Auto repair accessory to auto sales	2 spaces per auto service stall
Automobile repair shop, automobile service station, automobile specialty store, automobile body shop	4 per bay
Gas station	1 per 2 fuel pumps
Gas station with mini-market	1 per nozzle plus 1 per 250 square feet of gross floor area
Car wash or quick service lubrication facilities	2 spaces per stall, and 1 space per 2 employees
Beauty parlor, barber shop	1 per 300 square feet of gross floor area
Massage parlor	1 per 300 square feet of gross floor area
Exhibition halls, showrooms, contractor's shop	1 space per 900 square feet of gross floor area
Photographic studio	1 space per 800 square feet of gross floor area
Convenience market, supermarket	1 space per 250 square feet of gross floor area
Multi-use retail center	1 per 250 square feet of gross floor area
Finance, insurance, real estate office	1 per employee plus 1 per 400 square feet of gross floor area
Bank	1 per employee, plus 1 per 400 square feet of gross

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Use	Required Number of Off-Street Parking Spaces
	floor area
Drug store	First 5,000 square feet = 17 spaces plus 1 per additional 1,500 square feet
Furniture/appliance store	1 per 500 square feet of gross floor area
Clothing store	1 per 400 square feet of gross floor area
Lumber yard, building material center	1 space per 275 square feet of indoor sales area, plus 1 space per 5,000 square feet of warehouse/storage
Hardware/paint store	1 per 400 square feet of gross floor area
Restaurant	1 per 100 square feet of gross floor area
Restaurant, carry-out	1 space per 225 square feet of gross floor area
Fast food restaurant/coffee kiosk	1 space per 110 square feet of gross floor area, plus 6 stacking spaces for drive-through lane
Repair shop	1 per 400 square feet of gross floor area
Laundromats, coin-operated dry cleaners	1 space per every 3 washing or cleaning machines
Mortuary	1 space per 150 square feet of gross floor area
Express delivery service	1 space per 500 square feet of gross floor area, plus 1 space per employee
Retail stores in general	Less than 5,000 square feet: 1 per 300 square feet. Greater than 5,000 square feet: 17 plus 1 per 1,500 square feet
<b>Industrial</b>	
Industrial, manufacturing	1 per 500 square feet of gross floor area
Warehousing, storage	1 per 1,000 square feet of gross floor area
Public or private utility building	1 per 1,000 square feet of gross floor area
Wholesaling	2 plus 1 per 1,000 square feet of gross floor area
Research and development	1 per 500 square feet of gross floor area
LI/BP general office	1 per employee peak plus 15%
LI/BP research	1 per employee peak + 10%

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

(Ord. No. 2612, § I(Exh. A), 2-7-2011)

**18.11.140 Loading standards.**

In all districts except the DC districts, buildings or structures to be built or substantially altered which receive and distribute material and merchandise by trucks shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular case.

The following standards in Tables 18.11-2 and 18.11-3, shall be used in establishing the minimum number of berths required:

**Table 18.11-2 Berth Standards for Commercial and Industrial Buildings**



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Number of Berths	Gross Floor Area of the Building in Square Feet
1	Up to 20,000
2	20,000—50,000
3	50,000—100,000
* One additional berth is required for each 50,000 in excess of 100,000	

**Table 18.11-3 Berth Standards for Office Buildings, Hotels, Hospitals and Other Institutions**

Number of Berths	Gross Floor Area of the Building in Square Feet
1	Up to 100,000
2	100,000 to 300,000
3	300,000 to 600,000
* One additional berth is required for each 300,000 in excess of 600,000	

No loading berth shall be located closer than fifty feet to a lot in any residential zoning district unless wholly within a completely enclosed building, or unless screened from such lot in the residential district by a wall, fence, or sight-obscuring evergreen hedge not less than six feet in height.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

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Chapter 18.13 LANDSCAPING

**Chapter 18.13 LANDSCAPING**

**Sections:**

18.13.010 Purpose.

18.13.020 Scope.

18.13.030 Expansion.

18.13.040 Procedure.

18.13.050 Landscaping standards.

18.13.060 Parking areas.

18.13.070 Assurance device.

**18.13.010 Purpose.**

The purpose of this chapter is to establish minimum standards for landscaping in order to provide screening between incompatible land uses, minimize the visual impact of parking areas, provide for shade, minimize erosion, and to implement the comprehensive plan goal of preserving natural beauty in the city.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

**18.13.020 Scope.**

Landscaping standards shall apply to all new multifamily, commercial, industrial and governmental uses, including change of use, and parking lots of four spaces or more. For conditional uses permitted in residential and multifamily districts, such as churches, schools, civic organizations, etc., the standards for landscaping will be the same as the landscaping standards in community commercial zones.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

**18.13.030 Expansion.**

In a case where a site expands, landscaping shall be provided only for the percentage of expansion.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

**18.13.040 Procedure.**

Detailed plans for landscaping shall be submitted with plans for building and site improvements. Included in the plans shall be type and location of plants and materials.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

**18.13.050 Landscaping standards.**

- A. The property owner shall be responsible for any future damage to a street, curb, or sidewalk caused by landscaping.

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- B. Landscaping shall be selected and located to deter sound, filter air contaminants, curtail erosion, minimize stormwater run-off, contribute to living privacy, reduce the visual impacts of large buildings and paved areas, screen, and emphasize or separate outdoor spaces of different uses or character.
- C. Plants that minimize upkeep and maintenance shall be selected.
- D. Plants shall complement or supplement surrounding natural vegetation.
- E. Plants chosen shall be in scale with building development.
- F. Minimum landscaping as a percent of gross site area shall be as follows:

Zone	Percent of Landscaping Required
HI	20%
RC, LI	15%
CC	10%
MX	10%
NC, MF	5% on lots less than 10,000 square feet; 10% on lots greater than 10,000 square feet
<b>BP</b>	<a href="#">(see Section 18.37.040 "Landscaping standards")</a>
<b>LI/BP</b>	<a href="#">(see Section 18.21.070 "Landscaping standards")</a>
<b>Parking lots</b>	<a href="#">(see Section 18.13.060 of this chapter)</a>

- G. Deciduous trees shall have straight trunks, be fully branched, have a minimum caliper of one and one-half inches, be equivalent to a fifteen-gallon container size, and be adequately staked for planting.
- H. Evergreen trees shall be a minimum of five feet in height, fully branched, and adequately staked for planting.
- I. Shrubs shall be a minimum of five-gallon pot size. Upright shrubs shall have a minimum height at planting of eighteen inches. Spreading shrubs at planting shall have a minimum width of eighteen inches (smaller shrub sizes may be approved where it is more appropriate within a particular landscape plan).
- J. Ground cover, defined as living material and not including bark chips or other mulch, shall at planting, have a maximum spacing of twelve inches on center for flats, and a maximum twenty-four inches on center between mature plants from containers of one gallon or larger.
- K. Appropriate measures shall be taken, e.g., installations of watering systems, to assure landscaping success. If plantings fail to survive, it is the responsibility of the property owner to replace them.
- L. Trees shall not be planted closer than twenty-five feet from the curb line of the intersections of streets or alleys, and not closer than ten feet from private driveways (measured at the back edge of the sidewalk), fire hydrants, or utility poles.
- M. Street trees shall not be planted closer than twenty feet to light standards. Except for public safety, no new light standard location should be positioned closer than ten feet to any existing street tree, and preferably such locations will be at least twenty feet distant.
- N. Trees shall not be planted closer than two and one-half feet from the face of the curb except at intersections, where it should be five feet from the curb in a curb return area.
- O. Where there are overhead power lines, tree species that will not interfere with those lines shall be chosen.

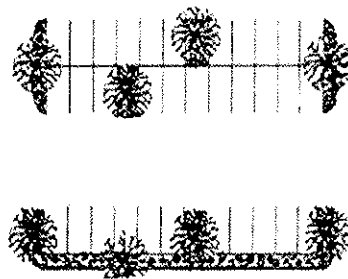
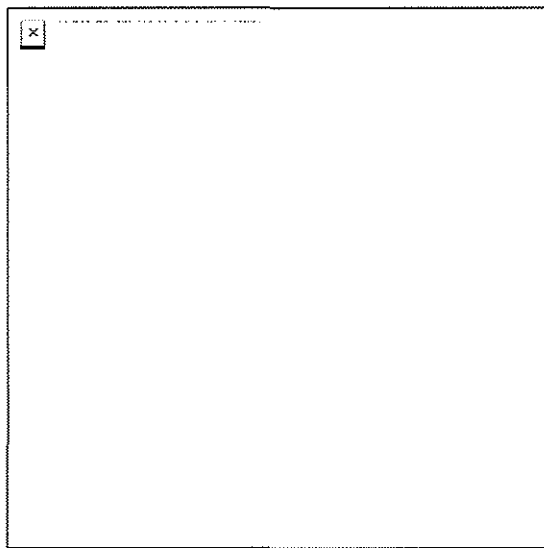
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- P. Trees shall not be planted within two feet of any permanent hard surface paving or walkway. Sidewalk cuts in concrete for trees shall be at least four feet by four feet; however, larger cuts are encouraged because they allow additional area and water into the root system and add to the health of the tree. Space between the tree and such hard surface may be covered by permeable nonpermanent hard surfaces such as grates, bricks on sand, paved blocks, cobblestones, or ground cover.
- Q. Trees, as they grow, shall be pruned to their natural form to provide at least eight feet of clearance above sidewalks and twelve feet above street roadway surfaces.
- R. Existing trees may be used as street trees if there will be no damage from the development which will kill or weaken the tree. Sidewalks of variable width and elevation may be utilized to save existing street trees, subject to approval by the city.
- S. Vision clearance hazards shall be avoided.  
(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)  
(Ord. No. 2612, § I(Exh. A), 2-7-2011)

**18.13.060 Parking areas.**

- A. Parking areas are to be landscaped at all perimeters.
- B. All parking areas shall provide interior landscaping for shade and visual relief.
- C. Parking lots shall have a minimum ratio of one tree per six double-loaded stalls or one tree per three single-loaded stalls (See Figure 18.13-1).



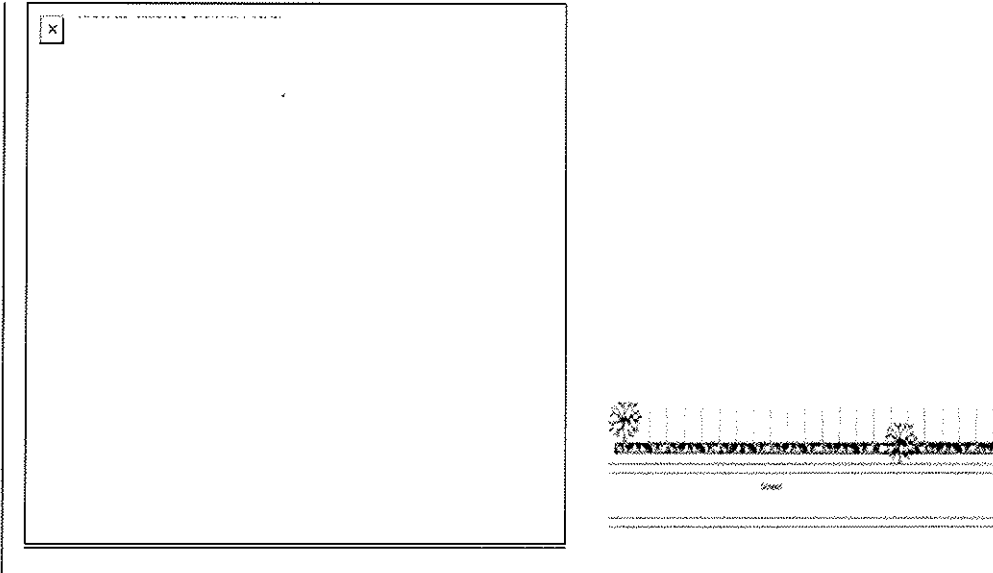
**Figure 18.13-1 Parking Lot Planting Islands**

- D. Planter strips (medians) and tree wells shall be used within parking areas and around the perimeter to accommodate trees, shrubs and groundcover.
- E. Planter areas shall provide a five-foot minimum width of clear planting space.
- F. Wheel stops should be used adjacent to tree wells and planter areas to protect landscaping from car overhangs.

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- G. Curbed planting areas shall be provided at the end of each parking aisle to protect parked vehicles.
- H. No more than fifteen parking spaces shall be located in a row without a landscaped divider strip (See Figure 18.13-2).



**Figure 18.13-2 Parking Lot Landscape Divider Strip**

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

**18.13.070 Assurance device.**

In appropriate circumstances, the city may require a reasonable performance of maintenance assurance device, in a form acceptable to the finance department, to assure compliance with the provisions of this chapter and the approved landscaping plan.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

## **Chapter 18.15 SIGNS <sup>(1)</sup>**

### **Sections:**

- 18.15.010 Purpose.
- 18.15.020 Scope.
- 18.15.030 Maintenance and repair of signs.
- 18.15.040 General definitions and regulations.
- 18.15.050 Signs controlled by zoning district.
- 18.15.060 General sign permit requirements.
- 18.15.070 Master sign permit requirements.
- 18.15.080 Signs prohibited.
- 18.15.090 Exemptions.
- 18.15.100 Temporary signs.
- 18.15.110 Sign illumination.
- 18.15.120 Nonconforming signs.

### **18.15.010 Purpose.**

The city council finds that the manner of the construction, location, and maintenance of signs affects the public health, safety, and welfare of the people; the safety of motorists, and other users of the public streets are affected by the number, size, location, lighting, and movement of signs that divert attention of such users. Uncontrolled and unlimited signs may degrade the aesthetic attractiveness of the natural and man-made attributes of the community that could undermine economic value of tourism, visitation, and economic growth. The regulations in this chapter are found to be the minimum necessary to achieve these purposes.

(Ord. No. 2600, § II, 11-1-2010)

### **18.15.020 Scope.**

The primary intent of this chapter shall be to regulate signs of a commercial nature intending to be viewed from any vehicular or pedestrian right-of-way. This chapter shall not apply to building design, to official traffic or government signs, or to any sign authorized or permitted by any other ordinance or resolution of the city. This section shall further not apply to the display of street numbers or to any display or construction not defined herein as a sign.

(Ord. No. 2600, § II, 11-1-2010)

### **18.15.030 Maintenance and repair of signs.**

- A. All signs and all components thereof, including supports, braces and anchors, shall be kept in a state of good repair. With respect to freestanding signs, components not bearing a message shall be constructed of materials that blend with the surrounding environment.

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- B. Abandoned signs and all supporting structural components shall be removed by the sign owner, owner of the property where the sign is located, or other party having control over the sign. Each is individually and severally responsible for removing such sign within thirty days after abandonment, unless such sign is replaced with a conforming sign.
- C. If a sign suffers more than fifty percent damage or deterioration as determined or is dangerous because of insecure construction or fastening with resultant danger of falling by the building official, or because it is an extreme fire hazard as determined by the fire marshal then such sign shall be brought into conformance with this code or removed.

(Ord. No. 2600, § II, 11-1-2010)

#### **18.15.040 General definitions and regulations.**

- A. Regulated. In the event that a definition is not listed in this section and is necessary in the interpretation of this chapter, the director shall primarily rely upon the general definitions established for this title, and secondarily on the definition found in a standard English dictionary. For the purpose of this chapter the following definitions and regulations shall apply:
  - 1. "Abandoned" means a sign which no longer identifies or advertises a bona fide business, service, owner, product, or activity, and/or for which no legal owner can be found.
  - 2. "Awning" is a structure that may support a sign. An awning is a shelter projecting from, and supported by, the exterior wall of a building, constructed of non-rigid materials on a supporting framework. [Refer to "awning signs"]
  - 3. "Commercial" means the purpose of the sign is to engage in commerce, or to advertise for one's work that is intended for sale.
  - 4. "Date of adoption" means the date the ordinance codified in this chapter was originally adopted or the effective date of an amendment to it, if the amendment makes a sign nonconforming.
  - 5. "Height" is defined at "Dimensions of Signs" within this chapter.
  - 6. "Internally illuminated" means signs where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Neon signs are considered internally illuminated signs.
  - 7. "Multiple building complex" means a group of structures housing at least one retail business, office, commercial venture, or independent or separate part of a business which shares the same lot.
  - 8. "Off-premise sign" means a sign that advertises products, services, or facilities, or directs person to premises different than where the sign is placed.
  - 9. "On-premise sign" means a sign that advertises products or services related to the building or structure where it is located.
  - 10. "Permanent" sign means a sign that is intended to remain for the life of the project or business without fundamental or marked changes and is attached to a building or structure by means of a rigid wall, frame, or structure.
  - 11. "Public Right-of-Way". There are two distinctions of right-of-way. "Privately maintained right-of-way" means that portion of the public right-of-way maintained by the abutting property owner. "Publicly maintained right-of-way" means that portion of the public right-of-way maintained by the City of Camas or other public agency. Signs placed in the public right-of-way must be located outside vision clearance areas and may not pose a traffic hazard or other threat to human safety.

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12. "Sign" means any device, structure, or placard using graphics, logos, symbols, and/or written copy designed specifically for the purpose of advertising or identifying any establishment, product, goods, or services.
  13. "Sign area" is defined at "Dimensions of Signs" within this chapter.
  14. "Sign schedule" means a listing of multiple signs proposed within an application or development project, which consists of dimensions and descriptions, normally this is in a tabular format (e.g. spreadsheet).
  15. "Site plan" means a drawing of the location of a sign or multiple signs within the city limits.
- B. Sign Types - Regulations and Limitations. In the event that a sign type as provided in this section is in conflict with provisions elsewhere in this chapter, the more restrictive criteria shall apply.
1. "Animated sign" [Refer to "electronic message board" sign].
  2. "Awning signs". Signage on awnings shall not exceed thirty percent of the awning and shall be included in the combined sign calculation for particular business or storefront.
  3. "Banner" is a sign constructed of fabric, vinyl or other non-rigid, durable material that can withstand the typical weather in this area, and does not exceed sixty (60) square-feet in size. Banners primarily announce a special occasion, such as a grand opening or special event. National, state or municipal flags are not considered banners.
  4. "Bulletin board" is often installed to provide a central location for people to gather information about events or classes that are happening within the building or community in which it is installed. Bulletin boards are included in the overall signage calculation for the site. They are not electronic, LED or otherwise programmable for messaging.
  5. "Cabinet sign" is generally a wall sign. This type of sign is usually internally illuminated with a removable face and is enclosed on all edges with a metal cabinet, and does not extend more than ten inches from the wall face ~~that~~ on which it is mounted.
  6. "Construction sign" means a temporary sign identifying an architect, contractor, subcontractor, and/or material supplier participating in construction on the property on which the sign is located.
  7. "Directory sign" identifies two or more establishments and/or the complex as a whole. If a tenant in a multi-building complex has a sign on the freestanding directory sign, then the tenant shall not have an individual freestanding sign. Directory sign area may not exceed one-hundred square feet.
  8. "Electronic message board sign", animated sign, and LED sign are considered to be similar sign types for purposes of this chapter. These signs use changing lights to form a message, or messages in sequence, uses movement or change of lighting to depict action or create a special effect or scene. This element of a sign may not exceed 30% of total sign area or 100 square feet, whichever is greater. This calculation does not including post or mounting framework. The electronic board must avoid using flashing, rotating or blinking lights.
  9. "Entrance structure" Refer to "monument sign".
  10. "Free-standing sign" is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of or attached to a building or other structure whose principal function is something other than the support of a sign.
    - a. Height limit. Freestanding sign height shall not exceed twenty-five feet from the ground to the top of sign in any zone.
    - b. Construction. Rigid, fire-proof material that can withstand wind pressure of 30 mph per square foot.



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- c. Combination. A free-standing sign is permitted in combination with wall signs; however the size of all permitted signs cannot exceed the overall size permitted per building face per zone. A freestanding sign is not permitted in combination with a projecting or monument sign.
11. "Incidental sign" means a small sign, two square feet or less in surface area. Included are decals informing the public of goods, facilities, or services available on the premises, e.g., designating restrooms, a credit card sign, hours of operation, or "help wanted". May also contain the name or logo of an establishment, e.g., parking, or exit and entrance signs. Incidental signs if placed in windows may not cover more than twenty-five percent of window area in combination with any other permitted signs.
  12. "Monument sign" is a sign not attached to a building, not more than five feet in height or twenty feet in length, which is attached to the ground by means of a wide base of solid appearance. Monument signs must be designed so as to be compatible with adjacent architecture and landscaping, and must be constructed with materials conducive to abutting structures and the surrounding area. They may not be constructed from fabric or banner material.
  13. "Pennant" is a small, double-faced sign that is intended to be viewed by pedestrians and is hung above the sidewalk or street, with the bottom edge conforming to sign height regulations. Pennants may not exceed four square feet, may not be placed closer than twenty feet apart, and are constructed of fabric or other durable materials with a message, logo or artistic rendering on the sign face.
  14. "Portable sign" means any sign designed to be moved easily, and not permanently affixed to the ground, or other permanent structure, to include such other descriptive names such as "A-frame", "sandwich board", and "poster panels".
    - a. Size. The sign shall not exceed forty-two (42) inches above ground, and six (6) square feet in sign area per side.
    - b. Construction. Portable signs shall be firmly and solidly constructed so as to be able to bear a wind pressure of at least thirty pounds per square foot of area.
    - c. Location. It is unlawful to erect or maintain any portable sign in such a position as to obstruct any fire escape or any window or door leading thereto, or within vision clearance at intersections; and must allow for a pedestrian clearance of five (5) feet on sidewalks.
    - d. Portable signs may only be displayed during business hours. If business hours continue past daylight hours, precautions should be taken to place the sign in a location that is visible after dark.
    - e. One sign per business entity and located on same lot as business entity.
  15. "Poster" is a piece of sales literature that presents information through words and graphic images. It has text and symbols or pictures to convey an idea or concept. Usually, it is designed vertically and displayed on a wall or window. Posters, where allowed, may not exceed six (6) square feet.
  16. "Projecting sign" is a sign affixed to a building or wall in such a manner that its leading edge extends more than ten inches beyond the surface of such building or wall.
  17. "Real estate sign" means a temporary sign advertising that real estate is for rent, lease, or sale.
  18. "Roof sign" means any sign erected over or on the roof of a building. The roof sign may not exceed the maximum building height allowed in the zoning district in which it is located. If the zoning district has no limitation to building height, then the height from base of sign shall not exceed that of a free-standing sign, which is limited to 25-foot tall.
  19. "Sandwich board sign" [Refer to definition of "Portable Sign"]

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20. "Temporary sign" means a sign that is used in connection with a circumstance, situation, or event that is designed, intended or expected to take place or to be completed within a reasonably short or definite period after erection of such sign; or is intended to remain on the location where it is erected or placed for a short period of time [Refer to additional requirements in ~~Section 18.15.090~~ Section 18.15.100 CMC]. "Temporary signs" include, but are not limited to the following examples:
    - a. Political signs advocating political candidates or political issues;
    - b. Real estate signs advertising property for sale or lease;
    - c. Construction signs identifying the builder of a structure or the developer of a residential, commercial or industrial development;
    - d. Special event signs or banners advertising grand openings, fairs, carnivals, circuses, festivals; or
    - e. Community events, garage and yard sale signs, and any other sign of a similar purpose.
  21. "Vehicular sign" means a sign adhered to or mounted to the vehicle body that is parked along a vehicular right-of-way for the principle purpose of displaying advertising.
  22. "Wall sign" is any permanent sign that is attached parallel to and extending not more than ten inches from the wall of a building. This includes painted, individual letter, cabinet signs and signs attached to a mansard roof (if constructed at an angle of seventy-five degrees or more from horizontal). No more than two wall signs are permitted per building face, and in combination with all other permitted signs shall not exceed ten percent of wall area.
- C. Determination of number of signs.
1. For the purpose of determining the number of signs permitted, a sign shall be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, each element shall be considered a single sign. A two-sided or multi-sided sign shall be regarded as one sign if the sign faces are identical.
  2. Only one (1) projecting or monument sign is permitted per street frontage (either one or the other) and neither is permitted in combination with a freestanding sign, per lot.
  3. Only one (1) permanent sign per lot in residential zones.
  4. Combination. Only one (1) free-standing sign may be allowed per street frontage for each commercial and industrial zoned lot on which the business is located in combination with a maximum of two (2) wall signs (if the lot does not contain a monument or projecting sign). The combined square footage of signs may not exceed size allowance per building face per zone. If a lot contains a multi-building complex a directory sign is permitted in combination with a free-standing sign and wall signs. For a multi-building complex with property frontage that exceeds three-hundred feet, an additional freestanding sign may be allowed for each three hundred feet and set apart no less than one-hundred feet.
  5. Refer to "Temporary Sign" section of this chapter for limitation on number of temporary signs.
- D. Dimensions of signs.
1. Sign Area. The sign area is defined as the area of the surface, or surfaces, which displays letters or symbols identifying the business or businesses occupying the parcel, together with any allowable electronic message board. In calculating the sign area, the following apply:
    - a. The sign area shall not include the base or pedestal to which the sign is mounted.
    - b. The sign surface area of a double-faced (back-to-back) sign shall be calculated by using the area of only one side of such sign and shall be considered one sign structure.

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- c. The sign surface area of double-faced signs constructed in a "V" shall be calculated by using the area of only one side of such sign and shall be considered one sign structure.
- d. The sign surface area of three dimensional signs shall be computed by including the total of all sides designed to attract attention or communicate information that can be seen at any one time by a person from one vantage point.
- 2. Sign Height. Height is measured from the finished grade at the point of support to the topmost point of a sign. Height limitations are determined by type of sign as defined in this chapter.
- 3. Placement. All signs, unless attached to a building must be set back from the property line by a minimum of five feet, unless otherwise stated in this chapter. Setbacks may be increased or decreased during plan review if there are concerns for vision clearance or other public safety concerns. Signs must provide a minimum clearance of fourteen feet over any vehicular use area, and ten feet over any pedestrian area.

(Ord. No. 2600, § II, 11-1-2010)

**18.15.050 Signs controlled by zoning district.**

The following table identifies signs by zoning district as permitted (P), prohibited (X), or only allowed with a Conditional Use Permit (C). All permitted signs are subject to the requirements of this chapter, and any other applicable sections of CMC. If dimensions of a sign vary by zone, then it is noted in this table.

Table 1 - Signs controlled by Zoning District

Sign Types as defined in this chapter	Residential and Multi-family Zones	Commercial, <del>and</del> Industrial, <u>and</u> Park Zones	LI/BP
Animated/Electronic message board signs	C	P	P
Awning signs	X	P	P
Bulletin board	P <sup>Note 4</sup>	P <sup>Note 2</sup>	P <sup>Note 2</sup>
Cabinet	X	P <sup>Note 2</sup>	P <sup>Note 2</sup>
Directory sign	X	P	P
Free-standing sign	X	P <sup>Note 2</sup>	P <sup>Note 2, 3</sup>
Incidental sign	P	P	P
Monument sign	<del>P</del> <sup>Note 4</sup> <u>P</u>	P	P
Portable sign	X	P <sup>Note 2</sup>	P <sup>Note 2</sup>
Projecting sign	X	P <sup>Note 2</sup>	P <sup>Note 2</sup>
Roof sign	X	P <sup>Note 2</sup>	P
Temporary sign (e.g. construction signs, real estate, banners, and other sign types as defined in this chapter)	P <sup>Note 1</sup>	P <sup>Note 2, 3</sup>	P <sup>Note 2, 3</sup>
Vehicular signs	P	P	P
Wall signs	P <sup>Note 1</sup>	P <sup>Note 2</sup>	P <sup>Note 2</sup>

Notes:

<sup>1</sup> Sign may not exceed six square feet in area per lot unless approved with a Master Sign Permit.

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<sup>2</sup> Sign may not exceed ten percent of the size of the wall area in combination with all other permitted signs on the same plane and visible from public view unless approved with a Master Sign Permit.

<sup>3</sup> If lot is vacant, then sign is limited to ninety-six square feet.

<sup>4</sup> Only allowed if approved in combination with a Type III development permit.

#### 18.15.060 General sign permit requirements.

##### A. Sign permit required.

1. Except as otherwise provided in this chapter, no sign may be erected, placed, or substantially altered in the city except in accordance with the provisions of this chapter and the requirements of the International Building Code, current adopted edition.
2. If plans submitted for a Conditional Use Permit (Type III permit) or Design Review include sign construction plans in sufficient detail to determine compliance with the provisions of this chapter, then issuance of such conditional use or design review may constitute approval of the proposed placement of sign or signs (other structural/mechanical permits may be required).

##### B. Application Requirements. Applications for a General Sign Permit shall contain the following information when submitted to the Community Development Department at a minimum:

1. Application form and payment of current fee as determined by resolution.
2. Site Plan. Drawn to scale showing the subject property, streets, all existing buildings, and the location of any existing freestanding signs, utility poles and other structures within fifty feet of the proposed new sign's location;
3. Construction Drawings. Includes the structural details of the proposed sign, including its dimensions, heights, materials, type of illumination, landscaping (if required) and structural support;
4. Photographs. Provide photographs of all existing signs on the subject property and building(s), and marked to indicate the proposed location of the new sign(s). Staff will accept original photos, color copies or compatible electronic format (e.g. compact disc).
5. When required by the building official, the construction of the sign may require submittal of structural and/or mechanical drawings prepared by a licensed Washington State professional.

(Ord. No. 2600, § II, 11-1-2010)

#### 18.15.070 Master sign permit requirements.

##### A. Purpose. The purpose of this section is to establish a binding Master Sign Permit that will allow for placement of both permanent and temporary signs on a group of lots or within a business complex, in order to encourage comprehensive sign design, and reward proper placement and prompt removal of temporary signs, which combined will benefit the city by reducing municipal costs for code enforcement. This section allows the size of signs on a lot or within a zoning district to be exceeded and other bonuses as set forth. Individual signs may be permitted by the building department without additional General Sign Permits after a Master Sign Permit has been approved.

##### B. Application Requirements. Applications for a Master Sign Permit shall contain the following materials, in addition to the requirements for a General Sign Permit:

1. Application form and payment of current fee as determined by resolution.

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2. Site Plan. Site plan shall include the proposed placement of all signs, both on-premises and off-premises.
  3. Consent of property owner for placement of signs within privately-maintained right-of-way or on private lots.
  4. Sign Schedule - existing conditions. The schedule will include a calculation of the combined maximum sign area permitted and the number of signs allowed on the proposed lot(s).
  5. Sign Schedule - proposed. The schedule will include a calculation of the combined total proposed sign area included in the plan, sign types, number, and short description.
  6. Construction Plans. Detailed construction plans shall be provided at a reasonable scale to include type of material and method of installation.
  7. Time frame for installation of each sign indicated on plan.
  8. Narrative that supports how this application meets or exceeds the criteria for approval for a Master Sign Permit and other regulations in this chapter.
- C. Maximum total area of all signs. The combined sign area of all proposed signs on a lot or lots under consideration for a Master Sign Permit shall not exceed ten (10) percent of the total ground floor area (GFA) of the building(s) or in the case of a vacant lot then ten (10) percent of the area of building lot coverage.
- D. Bonus. If the owners of two or more contiguous (disregarding intervening streets and alleys) lots or the owner of a single lot with more than one building (not including any accessory building) file with the Director for such lots a Master Signage Plan conforming with the provisions of this section, a thirty percent (30%) increase in the maximum total sign area of that zone shall be allowed for each included lot. This bonus shall be allocated within each lot as the owner(s) elects. Or if a subdivision, then the applicant may combine potential sign area from multiple lots for a single sign to be no greater than thirty-two (32) square feet in lieu of the residential zone size limitation of six square feet.
- E. Criteria of Approval for Master Sign Permit.
1. Provisions have been made to have a consistent design with regard to: color scheme; lettering or graphic style; lighting; location of each sign on the buildings or on the lots or elsewhere; material; and sign proportions.
  2. Provisions have been made to install signs that will not detract from the natural beauty of the city or contribute to urban blight.
  3. The locations of off-premises signs do not exceed one sign per radius of 300-feet.
  4. The application and plans shall be consistent with the applicable regulations of the adopted development codes, comprehensive plans, shoreline master plan, state and local environmental acts and ordinances in accordance with RCW 36.70B.030.
- F. Approval and Modification. The designated official shall approve a master sign permit and subsequent modifications. Any deviation from the approved master sign permit such as additional signs, relocating signs, and any other changes (excluding tenant name changes and maintenance) shall require a modification to the master sign permit on file with the city.
- G. Expiration. Master Sign Permits expire in two years from date of issuance unless ~~installation of~~ at least one sign of the Master Sign Permit has been installed prior to that date.
- (Ord. No. 2600, § II, 11-1-2010)

#### 18.15.080 Signs prohibited.

The following signs are specifically prohibited in the city:

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- A. Signs attached to any telephone or utility pole;
- B. Signs located in such a manner so that by location, color, size, shape, nature would tend to obstruct the view or be confused with official traffic signage.
- C. Signs advertising activities that are illegal under state or federal laws, or regulations in effect at the location of such signs, or at the location of such activities.
- D. Signs emitting pollutants (e.g. smoke, or sound).
- E. Posters. The tacking or pasting of posters to exterior walls, which are visible from the public right-of-way, is prohibited unless otherwise permitted as a sign in this chapter.

(Ord. No. 2600, § II, 11-1-2010)

#### **18.15.090 Exemptions.**

- A. No permit is required for mere repainting; changing the message of a sign, or routine maintenance shall not in and of itself be considered a substantial alteration.
- B. Although no permits will be issued, compliance with this chapter is required.
- C. Signs that are exempt and that do not require a permit are as follows:
  - 1. Signs not exceeding six square feet in area that are customarily associated with residential use, and that are not of a commercial nature, such as: signs giving property identification names or numbers, or names of occupants; signs on mailboxes or newspaper tubes; and signs posted on private property that warn the public against trespassing or danger from animals;
  - 2. Integral decorative or architectural features of buildings, or works of art, so long as such features or works do not contain commercial trademarks, moving parts, or lights (e.g. commemorative plaques or inscriptions with the name of a building, its date of construction). Feature must be attached to the face of the building and shall not exceed three square feet in sign area.
  - 3. Signs painted on or otherwise permanently attached to currently licensed motor vehicles;
  - 4. Traffic or other municipal signs, signs required by law, legal notices, or signs of public utility companies indicating danger;
  - 5. Flag, emblem, or insignia of a nation or other governmental unit or institution, or non profit organization subject to the guidelines concerning their use set forth by the government or organization which they represent;
  - 6. Signs located in the interior of a building or within a sport complex that are designed and located to be viewed exclusively by patrons within the building or sport complex

(Ord. No. 2600, § II, 11-1-2010)

#### **18.15.100 Temporary signs.**

- A. Temporary signs are exempt from permit requirements as described in this section. Although no permits will be issued, compliance with this chapter is required. Temporary signs may be permitted with a Master Sign Permit as described in this chapter.
  - 1. Number. One sign per lot, per candidate, issue or event.
  - 2. Size. Refer to "Table 1" of this chapter for sign dimensions per zoning district and bonuses as allowed with a Master Sign Permit.

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3. Consent. If displayed on private property, the responsible party must obtain consent of property owner.
- B. Temporary signs may not be illuminated.
- C. Removal. Temporary signs shall be removed by sign owner within ten days after occurrence of the event. For example, political signs should therefore be removed within ten days following an election, real estate signs should be removed within ten days following sale or lease of the property, construction signs should be removed within ten days following issuance of the certificate of occupancy for the building, special event signs should be removed within ten days after occurrence of the special event, and yard and garage sale signs should be removed within ten days following the sale.
- D. Confiscation. The city or property owner may confiscate signs installed in violation of this chapter and dispose of it. The property owner is not responsible for notifying owners of confiscation of the illegal sign.  
(Ord. No. 2600, § II, 11-1-2010)

#### 18.15.110 Sign illumination.

Unless otherwise prohibited by this chapter, signs may be illuminated if such illumination is in accordance with this section.

- A. No sign within one hundred fifty feet (150) of a residential district may be illuminated between the hours of midnight and six a.m., unless the impact of such lighting beyond the boundaries of the lot where it is located is entirely inconsequential.
- B. Lighting directed toward a sign shall be hooded or shielded so that it illuminates only the face of the sign and does not shine directly onto a public right-of-way or a residential property.
- C. Except as herein provided, internally illuminated signs are not permitted in residential districts. Where permitted, internally illuminated signs may not be illuminated during hours that the business or enterprise advertised by such sign is not open for business, or in operation.

(Ord. No. 2600, § II, 11-1-2010)

#### 18.15.120 Nonconforming signs.

- A. Existing signs which do not conform to the specific provisions of the chapter may be eligible for the designation "legal nonconforming"; provided that:
  1. The building department determines that such signs are properly maintained and do not in any way endanger the public;
  2. The sign was covered by a permit deemed valid by the city, or complied with all applicable laws on the date on which it was established.
- B. A "legal nonconforming" sign may lose this designation if the following occur:
  1. The sign is relocated or replaced;
  2. The structure or size of the sign is altered in any way except toward compliance with this chapter. This does not refer to change of copy or normal message;
  3. The business, use, or product for which the sign is directed has been abandoned (has not occurred on the property for a period of six consecutive months). The burden of demonstrating non-abandonment shall be on the owner.

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- C. Removal of non-conforming signs. A sign which has been removed and held by the city longer than thirty days and not recovered by its owner, shall be declared abandoned and discarded by the city.  
(Ord. No. 2600, § II, 11-1-2010)

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FOOTNOTE(S):

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**Editor's note**— Ord. No. 2600, § I, adopted November 1, 2010, repealed former Ch. 18.15, §§ 18.15.010—18.15.240. Section II of said ordinance enacted provisions designated as a new Ch. 18.15 to read as herein set out. See also the Code Comparative Table and Disposition List. (Back)



Chapter 18.17 SUPPLEMENTAL DEVELOPMENT STANDARDS

**Chapter 18.17 SUPPLEMENTAL DEVELOPMENT STANDARDS**

**Sections:**

18.17.010 Purpose.

18.17.020 Scope.

18.17.030 Vision clearance area.

18.17.040 Accessory structures.

18.17.050 Fences.

18.17.060 Retaining walls.

**18.17.010 Purpose.**

It is the purpose of this chapter to establish development standards that supplement those established within various zone districts. These supplemental standards are intended to address certain unique situations that may cross district boundaries, and to implement related policies of the Camas comprehensive plan.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

**18.17.020 Scope.**

The provisions contained in the following sections are of both general application to the zoning districts and supplemental to specific districts established by the Camas Municipal Code.

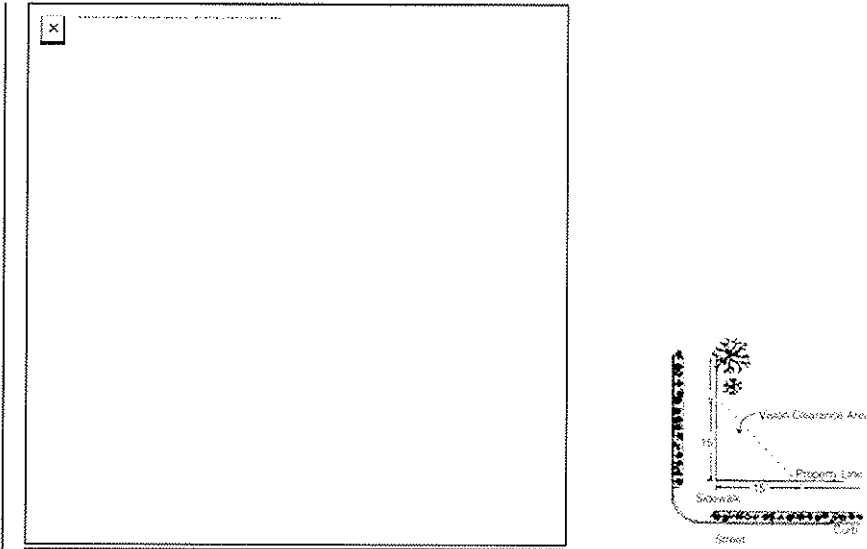
(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

**18.17.030 Vision clearance area.**

Vision clearance area shall be maintained in all zoning districts except in the DC, CC, RC, HI, and MX zoning districts. Within these zoning districts, vision clearance areas shall be maintained on the corners of all property adjacent to the intersection of two streets, a street and a railroad, or a private street entering a public street. Driveways and alleys are excluded from the provisions of this section.

- A. On all corner lots no vehicle, fence, wall, hedge, or other obstructive structure or planting shall impede visibility between a height of forty-two inches and ten feet above the sidewalk or fourteen feet above the street.

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**Figure 18.17.030-1 Vision Clearance**

- B. The triangular area shall be formed by measuring fifteen feet along both street property lines beginning at their point of intersection. The third side of the triangle shall be a line connecting the end points of the first two sides of the triangle. See Figures 18.17.030-1 and 18.17.030-2.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

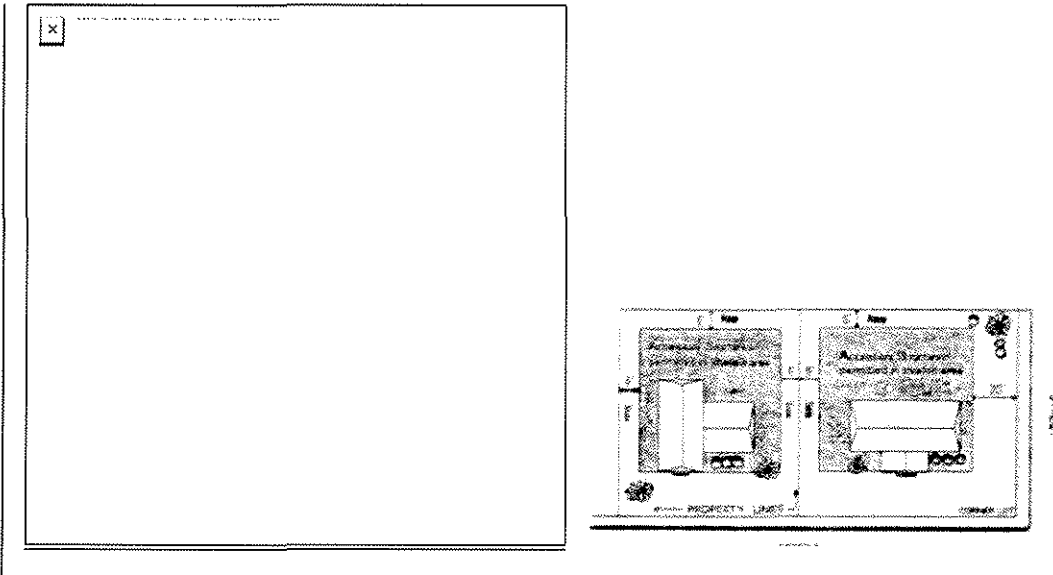
(Ord. No. 2545, § III, 5-4-2009; Ord. No. 2547, § VIII, 5-18-2009; Ord. No. 2612, § I(Exh. A), 2-7-2011)

**18.17.040 Accessory structures.**

In an R or MF zone, accessory structures on each lot shall conform to the following requirements:

- A. Definition. An "accessory structure" is a subordinate structure detached from, but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure. All in-ground swimming pools and spas, and above ground pools and spas with a capacity of five thousand gallons or greater, are considered accessory structures. Refer to Chapter 18.27 for accessory dwelling unit definition and standards.
- B. Height. Not to exceed one story or fourteen feet in height, except on a lot having a minimum area of one acre;
- C. Placement. Not project beyond the front building line. See Figure 18.17.040-1;

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**Figure 18.17.040-1 Accessory Structure Placement**

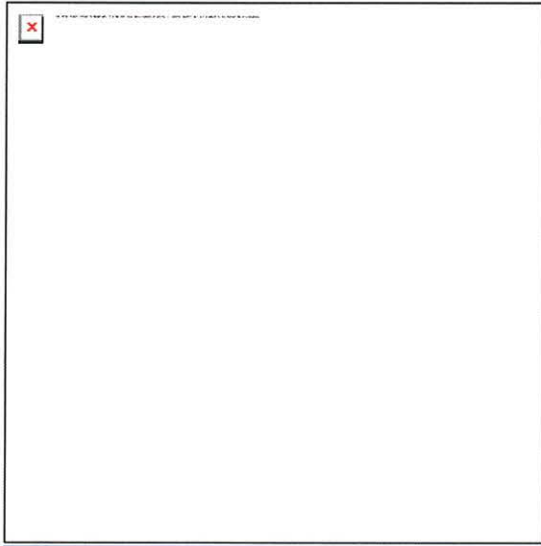
- D. Coverage. Not occupy altogether more than thirty percent of the required rear yard, provided that total lot coverage shall not be exceeded;
- E. Placement. Not be located closer than five feet to a side or rear lot line within a rear yard, or not closer than twenty feet to a side lot line within a rear yard along a flanking street of a corner lot; provided, that in the case of a manufactured home park, accessory structures shall not be located closer than twenty-five feet to a side lot line within a rear yard along a flanking street of a corner lot. See Figure 18.17.040-1;
- F. Placement. Not be located closer than five feet to a rear lot line where such rear lot line coincides with the side lot line of an adjoining lot. See Figure 18.17.040-1;
- G. Fire Protection. Accessory structures placed less than six feet away from an existing building require fire protection of exterior walls according to the International Building Code.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

**18.17.050 Fences.**

- A. Purpose. The purpose of this section is to provide minimum regulations for fences, with the desired objectives of privacy and security for residents, and safety for motorists and pedestrians using the streets and sidewalks.
- B. Heights. Fences not more than six feet in height may be maintained along the side yard or rear lot lines; provided, that such wall or fence does not extend into the front yard area. The front yard area is the distance between the front property line and the nearest point of the building specified in the zone districts under this title. See Figure 18.17.050-1.

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**Figure 18.17.050-1 Interior-Lot Fence Heights**

- C. A fence shall not exceed three and one-half feet (forty-two inches) in height in the front yard.
- D. Access. No fence shall be constructed so as to: (1) block or restrict vehicular access to a dedicated alley, access or way, or (2) create a traffic hazard by impairing or obstructing vision clearance from any driveway, alley, or access. Fences over three and one-half feet shall not be placed in the vision clearance area on corner lots.
- E. Prohibited Materials. Fiberglass sheeting, barbed wire, razor ribbon or other similar temporary material shall not be permitted as a fencing material.
- F. Temporary Fences. Vacant property and property under construction may be fenced with a maximum six-foot high, nonview obscuring fence.
- G. Measurement of Fence and Wall Height. The height of a fence or wall shall be measured at the highest average ground level within three feet of either side of such wall or fence. In order to allow for variation in topography, the height of a required fence or wall may vary an amount not to exceed six inches; provided, however, that in no event shall the average height of such wall or fence exceed the maximum height permitted for that location.
- H. Agriculture/Ranching (A/R) Exception. Barbed wire and electric fences shall be permitted on land classified A/R. All electric fences in such instances shall be clearly identified. Maintenance, repair and replacement of existing fences shall be governed by state law.
- I. Security fencing may be permitted with the following limitations:
  - 1. The security fencing shall consist of not more than four strands of barbed wire located on the top of a six-foot high fence; and
  - 2. The security fencing shall be associated with a commercial or industrial development.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

Chapter 18.17 SUPPLEMENTAL DEVELOPMENT STANDARDS

18.17.060 Retaining walls.

- A. Where a retaining wall protects a cut below the natural grade and is located within a required yard, such retaining wall may be topped by a fence or wall of the same height that would otherwise be permitted at that location if no retaining wall existed. See Figure 18.17.060-1(A) Retaining Walls.

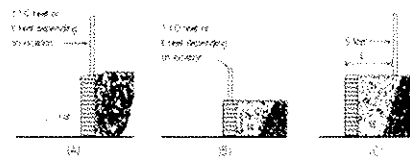
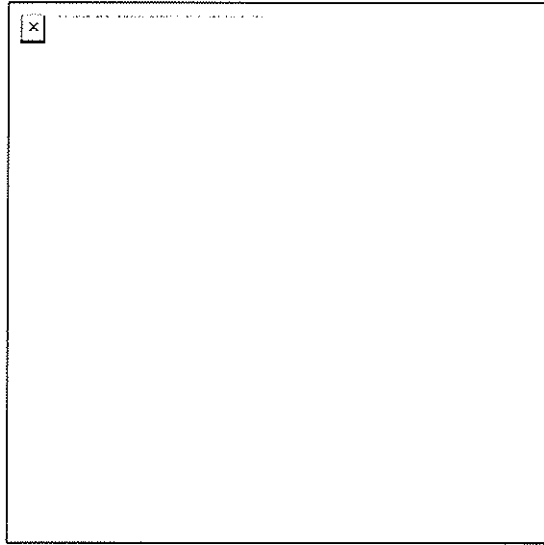


Figure 18.17.060-1 Retaining Walls

- B. Where a retaining wall contains a fill above the natural grade, and is located within a required yard, the height of the retaining wall shall be considered as contributing to the permissible height of a fence or wall at that location. A nonsight obscuring fence up to three and one-half feet in height may be erected at the top of the retaining wall for safety. See Figure 18.17.060-1(B) Retaining Walls.
- C. Where a wall or fence is located in a required yard adjacent to a retaining wall containing a fill, such wall shall be setback a distance of one foot for each one foot in height of such wall or fence. The area between the wall or fence and the retaining wall shall be landscaped and continuously maintained. See Figure 18.17.060-1(C) Retaining Walls.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

## Title 18 - ZONING\*

### Chapter 18.19 DESIGN REVIEW\*

#### **Chapter 18.19 DESIGN REVIEW\***

##### **Sections:**

- 18.19.010 Purpose.
- 18.19.020 Scope.
- 18.19.025 Scope of the downtown design manual (DDM).
- 18.19.030 Design review manual adopted.
- 18.19.035 Downtown design manual adopted.
- 18.19.040 Design review committee.
- 18.19.050 Design principles.
- 18.19.060 Guidelines.
- 18.19.070 Application requirements.
- 18.19.090 Deviations to design review guidelines.
- 18.19.100 Enforcement.

##### **18.19.010 Purpose.**

This chapter is intended to provide for orderly and quality development consistent with the design principles of the "Camas Design Review Manual: Gateways, Commercial, Mixed-Use and Multifamily Uses," hereafter referred to as ~~design the Design review Review manual Manual~~ (DRM) and the "Downtown design manual." The design review process is not intended to determine the appropriateness of a given use on a given parcel. The design review process is intended to produce a meaningful integration of building, landscaping and natural environment. This will protect the general health, safety, and welfare of the community by making efficient use of the land, which is consistent with the visual character and heritage of the community.

(Ord. 2518 § 1 (Exh. A (part)), 2008)

##### **18.19.020 Scope.**

Design review is required for all new developments within commercial, mixed-use, business park, or multifamily developments zones, redevelopment (including change in use, e.g., residential to commercial), or major rehabilitation (exterior changes requiring a building permit or other development permit). Commercial uses in the context of design review include both traditional uses listed as commercial under the zoning code as well as recreational, religious, cultural, educational, and governmental buildings and associated properties. Additionally, design review is applicable to all new developments or redevelopments within a gateway area as defined in the design review manual.

(Ord. 2518 § 1 (Exh. A (part)), 2008)

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#### **18.19.025 Scope of the downtown design manual (DDM).**

The provisions of this manual shall be applied to public and private parcels located within the downtown commercial zone. The standards within the DDM supersede the general requirements of the DRM for parcels located within the downtown commercial zone.

(Ord. 2518 § 1 (Exh. A (part)), 2008)

#### **18.19.030 Design review manual adopted.**

The city's design standards are primarily contained in the design review manual, which was adopted by the city.

(Ord. 2518 § 1 (Exh. A (part)), 2008)

#### **18.19.035 Downtown design manual adopted.**

The city's design standards for the downtown commercial zone are contained in the manual, which is adopted by the city.

(Ord. 2518 § 1 (Exh. A (part)), 2008)

#### **18.19.040 Design review committee.**

- A. The city council shall establish a seven-person design review committee (DRC) for the purposes of reviewing specific proposals, and recommending conditions and/or other actions necessary for consistency with the principles of the DRM. The DRC members serve at the pleasure of the city council. The DRC shall consist of six members appointed by the city council, including two from the development community, one council member, one planning commissioner, and two citizens at large. A seventh member shall be a neighborhood representative of the surrounding neighborhood to a specific proposal, or a United Camas Association of Neighborhoods member.
- B. The DRC will hold a public meeting to consider a design review application when:
  - 1. The city planner determines that the issues related to a specific proposal are complex enough to warrant a review by the DRC;
  - 2. The proposal varies from the guidelines of the DRM; or
  - 3. When an administrative decision on a design review application is appealed with no prior review by the DRC.
- C. The DRC shall not issue a decision, but shall prepare a written recommendation, together with findings to support the recommendation, to the approval authority within ten days of a public meeting held for that purpose (RCW 36.70.020(5)).

(Ord. 2518 § 1 (Exh. A (part)), 2008)

#### **18.19.050 Design principles.**

The principles are mandatory and must be demonstrated to have been satisfied in overall intent in order for approval of a design review application to be granted. Standard principles are applied to all commercial, mixed use, or multifamily uses. Where applicable, the specific principles are used in addition to the standard principles.

- A. Standard Principles.

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### Chapter 18.19 DESIGN REVIEW\*

1. Landscaping shall be done with a purpose. It shall be used as a tool to integrate the proposed development into the surrounding environment.
  2. All attempts shall be made at minimizing the removal of significant natural features. Significant natural features shall be integrated into the overall site plan.
  3. Buildings shall have a "finished" look. Any use of panelized materials shall be integrated into the development in a manner that achieves a seamless appearance.
  4. A proposed development shall attempt to incorporate or enhance historic/heritage elements related to the specific site or surrounding area.
- B. Specific Principles.
1. Gateways.
    - a. Gateways shall be devoid of freestanding signs. Preexisting freestanding signs will be subject to removal at the time of any new development, redevelopment, or major rehabilitation on the site. Exemptions include approved directional or community information signage as approved by the city.
    - b. Business signage not placed on buildings shall be integrated into the landscaping/streetscaping of the subject property.
    - c. Permanent signage within a gateway shall be standardized in a manner that creates a consistent look within the gateway in question.
    - d. The surface of pedestrian walkways within intersections shall be accentuated with a unique character.
    - e. A consistent streetscape lighting scheme shall be used.
  2. Commercial and Mixed Uses.
    - a. On-site parking areas shall be placed to the interior of the development unless site development proves prohibitive. All on-site parking areas along adjacent roadways shall be screened with landscaping. Downtown commercial and mixed-use areas shall not be required to provide on-site parking.
    - b. Buildings shall be used to define the streetscape unless site conditions prove prohibitive.
    - c. Structures abutting, located in, or located near less intensive uses or zoned areas (such as commercial developments next to residential areas) shall be designed to mitigate size and scale differences.
    - d. Developments containing a multiple of uses/activities shall integrate each use/activity in a manner that achieves a seamless appearance, or creates a cohesive development.
    - e. Mixed-use developments that place uses throughout the site (horizontal development) shall organize elements in a manner that minimizes their impact on adjacent lower intensity uses.
    - f. Walls shall be broken up to avoid a blank look and to provide a sense of scale.
    - g. Outdoor lighting shall not be directed off-site.
  3. Multifamily.
    - a. Stacked Housing.
      - i. All on-site parking areas shall be screened with landscaping. Parking spaces shall be clustered in small groups of no more than six to ten spaces.



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### Chapter 18.19 DESIGN REVIEW\*

- ii. Stacked houses abutting or located in single-family residentially zoned areas shall be designed to mitigate size and scale differences.
  - iii. Walls shall be articulated in order to avoid a blank look and to provide a sense of scale.
  - iv. Detached garages shall be located to the rear of stacked unit(s) so as not to be directly viewable from a public street.
  - v. Attached garages shall account for less than fifty percent of the front face of the structure. Garages visible from the street shall be articulated by architectural features, such as windows, to avoid a blank look.
- b. Townhomes and Rowhouses.
- i. All on-site parking areas (excluding driveways and garages) shall be screened with landscaping.
  - ii. Buildings shall be used to define the streetscape unless site conditions prove prohibitive.
  - iii. When appropriate, structures abutting or located in single-family residentially zoned areas shall be designed to mitigate size and scale differences.
  - iv. Walls shall be articulated in order to avoid a blank look and to provide a sense of scale.
  - v. Detached garages shall be located to the rear of the townhouse or rowhouse unit(s) so as not to be directly viewable from a public street.
  - vi. Attached garages shall account for less than fifty percent of the front face of the structure. Garages visible from the street shall be articulated by architectural features, such as windows, to avoid a blank look.
- c. Duplex, Triplex and Four-Plex.
- i. Garages shall account for less than fifty percent of the front face of the structure. Garages visible from the street shall be articulated by architectural features, such as windows, to avoid a blank look.

(Ord. 2518 § 1 (Exh. A (part)), 2008)

#### 18.19.060 Guidelines.

- A. The guidelines include five major categories:
- 1. Landscaping and screening;
  - 2. Architecture;
  - 3. Massing and setbacks;
  - 4. Historic and heritage preservation; and
  - 5. Circulation and connections.
- B. Each of the major guidelines include subcategories. Compliance with the guideline categories and subcategories demonstrate compliance with the principles. However, not every guideline may be deemed applicable, and therefore required, by the approval authority. Additionally, the approval authority may approve a variance from one or more guidelines, provided the overall intent of the principles is satisfied.

~~C. A copy of the design manual is on file with the department of planning.~~

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#### **18.19.070 Application requirements.**

Application for design review shall be submitted on the most current forms provided by, and in a manner set forth by the community development director or designee. The application shall include such drawings, sketches, and narrative as to allow the approval authority review of the specific project on the merits of the city's design review manual and other applicable city codes. An application shall not be deemed complete unless all information requested is provided.

(Ord. 2518 § 1 (Exh. A (part)), 2008)

(Ord. No. 2612, § I(Exh. A), 2-7-2011)

#### **18.19.090 Deviations to design review guidelines.**

A design review application that includes a deviation from any of the five major guidelines of the DRM shall be subject to review and recommendations from the design review committee. The DRC shall base its recommendation upon findings setting forth and showing that all of the following circumstances exist:

- A. Special conditions or circumstances exist which render a specific requirement of the DRM unreasonable, given the location and intended use of the proposed development;
- B. The special conditions and circumstances are characteristic of the proposed general use of the site, and not of a specific tenant;
- C. The specific conditions and circumstances are not representative of typical development which may be allowed within the zoning district;
- D. The requested deviation is based upon functional consideration rather than economic hardship, personal convenience or personal design preferences;
- E. Variation from a guideline(s) has sufficiently been compensated by other site amenities; and
- F. The requested deviation will not result in a project that is inconsistent with the intent and general scope of the DRM principles.

(Ord. 2518 § 1 (Exh. A (part)), 2008)

#### **18.19.100 Enforcement.**

Failure to comply with the requirements of this chapter, or a decision resulting from this chapter are enforceable under Article VIII of CMC Chapter 18.55 Administration and Procedures.

(Ord. 2518 § 1 (Exh. A (part)), 2008)

(Ord. No. 2612, § I(Exh. A), 2-7-2011)

## Title 18 - ZONING\*

### Chapter 18.23 PLANNED RESIDENTIAL DEVELOPMENT (PRD)

#### **Chapter 18.23 PLANNED RESIDENTIAL DEVELOPMENT (PRD)**

##### **Sections:**

- 18.23.010 Purpose.
- 18.23.020 Definitions.
- 18.23.030 Scope.
- 18.23.040 Density standards.
- 18.23.050 Density bonus.
- 18.23.060 Permitted uses.
- 18.23.070 Preliminary master plan—Requirements.
- 18.23.080 Professional preparation.
- 18.23.100 Approval standards.
- 18.23.110 Relationship to adjacent areas.
- 18.23.120 Amendments.
- 18.23.130 Procedure.

##### **18.23.010 Purpose.**

The purpose of this chapter is to promote the public health, safety and general welfare of the citizens of the City of Camas in accordance with state law and the city's comprehensive plan; to facilitate the innovative development of land; and to provide for greater flexibility in the development of residential lots in medium and high density districts.

A further purpose of this chapter is to allow for the modification of certain regulations when it can be demonstrated that such modification would result in a development which would not increase the density and intensity of land use (except as provided for in Section 18.23.040 of this chapter); would preserve or create features or facilities of benefit to the community such as, but not limited to, open space or active recreational facilities; would be compatible with surrounding development; and would conform to the goals and policies of the City of Camas' comprehensive plan.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

##### **18.23.020 Definitions.**

In addition to those definitions listed in CMC Chapter 18.03, the following definitions shall also apply:

"Density bonus" means a percentage of units allowed in a PRD over and above the number of units provided for in the zoning district absent a PRD proposal.

"Density transfer" means a transfer of dwelling units located on a site identified as sensitive lands or open space to the developable portion of land on the site. (Refer to Section 18.09.060 Density transfers)

"Development agreement" means a legal contract between the city and the developer relative to a specific project and piece of property. The agreement may specify and further delineate, and may include but is not limited to, findings of council, actions, requirements of the developer and city, benefits to the

## Title 18 - ZONING\*

### Chapter 18.23 PLANNED RESIDENTIAL DEVELOPMENT (PRD)

parties involved, conditions of approval, time frames, etc. A development agreement shall become binding upon the land.

"Master plan" means a planned proposal for development that includes and illustrates the division of land into lots, the location and sizes of streets, roads and accessways, pedestrian circulation, landscaping, parking areas and the location of and types and densities of uses. A master plan further identifies the dimensions, height, location, and setbacks of all such buildings to the extent necessary to comply with the purpose and intent set forth in this chapter.

"Open space" means land that is set aside and maintained in a natural state, providing air, light, and habitat for wildlife, and/or containing significant trees and vegetation. Open space may also contain environmentally sensitive lands, which include but are not limited to steep slopes and areas with unstable soils, wetlands, and streams and watercourses. Open space may also provide for active and passive recreation use. There are two general categories of open space:

1. Natural open space is land that is devoted to protecting environmentally sensitive lands as defined in this code. Natural open space generally has no developed areas, with the exception of trails as identified in the comprehensive parks, recreation, and open space plan, or by a condition of development approval.
2. Recreational open space is land that is set aside and shall include development for recreational opportunities such as trails, sports fields, playgrounds, swimming pools, tennis courts, and picnic areas. Recreational open space is generally limited in size and intensity, proportionate to the development, and is intended for the enjoyment of the residents of the development.

"Peripheral yard" means those areas which form the boundary between a planned unit or planned residential development district and any other zoning district, planned unit, or planned residential development.

"Planned residential development" (hereinafter referred to as a PRD) means a development constructed on land of at least ten acres in size, designed and consistent with an approved master plan. A PRD is comprised of two components: single-family and multifamily units. The single-family component shall contain only single-family detached residences on lots equal to or greater than four thousand square feet. The multifamily component may contain either attached or detached single-family residences on lots smaller than four thousand square feet, or it may contain, but may not be limited to, duplexes, rowhouses, apartments, and designated manufactured homes, all developed in accordance with Section 18.23.030(A) of this chapter.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

(Ord. No. 2612, § 1(Exh. A), 2-7-2011)

#### **18.23.030 Scope.**

Planned residential developments (PRD's) are optional. If proposed, it shall be established under the following criteria:

- A. A PRD may be allowed in all R and MF zoning districts.
- B. The minimum land area necessary to apply for a PRD shall be ten acres of contiguous land.
- C. All land in which a PRD is to be developed shall be held and maintained in a single ownership, including but not limited to an individual, partnership, corporation, or homeowner's association. Evidence of such ownership shall be provided to the planning commission and city council before PRD approval.
- D. Permissible uses within a PRD include any use listed as a permitted use or conditional use in the applicable zone, as per CMC Section 18.07.040 Table 2, when approved as part of a master

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### Chapter 18.23 PLANNED RESIDENTIAL DEVELOPMENT (PRD)

plan. Notwithstanding an approved master plan, incidental accessory buildings, incidental accessory structures, and home occupations may be authorized on a case by case basis.

- E. A minimum of fifty percent to a maximum of seventy percent of the overall permitted density of the PRD must be single-family homes.
- F. The multifamily component (two or more attached dwelling units) of a PRD shall ideally be developed toward the interior of the tract, rather than the periphery, to ensure compatibility with existing single-family residences that border the surrounding properties. Deviation from this requirement shall be requested during the preliminary master plan review, and specifically approved by the planning commission and city council.
- G. Density standards and bonuses for a PRD shall be in accordance with CMC Sections 18.23.040 and 18.23.050
- H. An equivalent amount of up to twenty percent of the developable area shall be set aside and developed as recreational open space in a PRD, and shall include the following:
  - 1. Passive or active recreation concentrated in large usable areas;
  - 2. Provide trails and open space for connection and extension with the city's open space and trail plan, if feasible; and
  - 3. Be held under one ownership, and maintained by the ownership; or be held in common ownership by means of homeowners' association, and maintained by the homeowners' association. The open space and recreation areas shall be dedicated for public use and be maintained by the ownership or homeowners' association.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

(Ord. No. 2612, § I(Exh. A), 2-7-2011)

#### **18.23.040 Density standards.**

- A. Density standards for a PRD shall be based on the gross area of the parcel being considered. Open space, greenways, sensitive areas, parks, and recreation areas set aside within the tract shall be used in the computation of the gross development area. The maximum number of dwelling units in the PRD shall be determined as follows:

Divide the gross land area (in square feet) by the minimum lot size (in square feet) of the underlying zoning district.

- B. The minimum lot size for a single-family dwelling within the single-family component of the PRD shall be four thousand square feet. The minimum lot width, depth and setback requirements, and maximum lot coverage requirement shall be established for each PRD as part of the approval process. The minimum lot size for the dwellings within the multifamily component of the PRD shall be established as part of the master plan approval.
- C. If more than one zoning district is included within the PRD area, the number of dwelling units allowed in each zoning district shall be computed, and then combined to determine the total number of dwelling units within the entire development.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### **18.23.050 Density bonus.**

A density bonus of no more than twenty percent may be granted by the city council for a PRD, as demonstrated by site design and layout. For example: ten acres in an R1-10 zone yields four hundred thirty-five thousand six hundred square feet. This is then divided by ten thousand square feet. Using this

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### Chapter 18.23 PLANNED RESIDENTIAL DEVELOPMENT (PRD)

example, the maximum number of units equals forty-three and one-half units, and with a twenty percent density bonus the maximum number of units allowed would be fifty-two.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### **18.23.060 Permitted uses.**

Permitted or conditional uses currently listed in the applicable zoning classification shall be considered permitted within a PRD. All proposed uses shall be reviewed in conjunction with the preliminary master plan review.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### **18.23.070 Preliminary master plan—Requirements.**

- A. Initial Conference. Schedule a pre-application conference to discuss and resolve conceptual problems prior to submission of the preliminary master plan related to such application.
- B. Contents. The preliminary master plan shall include the following information:
  - 1. The legal description of the total site proposed for development;
  - 2. The existing and proposed land uses within the development, and the existing and proposed location of all structures;
  - 3. The proposed residential density for the development, which shall include the number and types of dwelling units;
  - 4. The proposed lot sizes and building envelopes. Approved building envelopes will establish the setbacks for each lot or parcel in which development may occur;
  - 5. A site plan drawn to scale and depicting the following:
    - a. The location of all areas to be conveyed, dedicated, or maintained as public or private streets; access and egress to the development showing proposed traffic circulation, parking areas, and pedestrian walks,
    - b. The proposed location of any residential buildings, and any other structures, including identification of all buildings as single-family, duplex, townhouse, apartment, condominium, designated manufactured home, or otherwise,
    - c. The location of areas to be maintained as common open space, and a description of the proposed use of those areas,
    - d. The location of areas to be maintained as open space network, if applicable,
    - e. Proposed lot or boundary lines for residential, open space, parks, and recreational areas, management or allocation purposes;
  - 6. An accurate survey of the property showing the topography in five-foot contours, identifying slopes above fifteen percent, all existing, isolated trees six inches or more in diameter, all wooded areas, all existing streets, utility easements, drainage patterns, structures, and other improvements, the location of all easements and rights-of-way for utilities, including, but not limited to water, sanitary sewers, storm sewer, electricity, gas, telephone, and cable TV lines;
  - 7. A document containing agreements, provisions, and covenants regarding the establishment of a homeowner's association, which provides for the permanent ownership, maintenance, protection, and use of the planned development, including streets (if privately owned), storm drain facilities, utilities, common areas (e.g., storage areas, parking areas, and landscaping) open spaces, greenways, parks, and recreational areas;

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### Chapter 18.23 PLANNED RESIDENTIAL DEVELOPMENT (PRD)

8. A landscaping plan drawn to scale and demonstrating compliance with CMC Chapter 18.13 Landscaping of this title. Additionally, the landscape plan shall indicate the landscaping features such as screening, fences, lighting, and signage;
  9. A development schedule outlining the expected schedule and phases of development;
  10. The calculation of all applicable impact fees. This shall be coordinated with the city prior to submission of the preliminary master plan.
- C. Effect of Approval. Approval by the city council of a preliminary master plan shall constitute provisional approval of the PRD. This approval is contingent upon the applicant submitting a final development plan and development agreement, if required, that complies with the provisions of this chapter.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

(Ord. No. 2612, § I(Exh. A), 2-7-2011)

#### **18.23.080 Professional preparation.**

- A. The applicant for a proposed PRD shall certify that one or more of the following have been involved with the preparation of the preliminary master plan:
1. An architect licensed in the state of Washington;
  2. A landscape architect licensed in the state of Washington;
  3. A registered civil engineer or a registered land surveyor licensed in the state of Washington; and/or
  4. A certified landscape architect, certified arborist, or a qualified biologist, if a vegetation management plan is required.
- B. All plans and specifications required for the development shall be prepared and designed by engineers and/or architects licensed in the state of Washington.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### **18.23.100 Approval standards.**

Approval for a PRD shall be based on the following standards:

- A. The proposed PRD conforms to:
1. The City of Camas' comprehensive plan;
  2. All provisions of the Camas Zoning Code which are not proposed for modification;
  3. All engineering design standards; and
  4. Any other applicable city, state, federal regulations, policies, or plans, except those standards proposed for modification.
- B. Utilities and other public services necessary to serve the needs of the proposed development shall be made available, including open spaces, drainageways, streets, alleys, other public ways, potable water, transit facilities, sanitary sewers, parks, playgrounds, schools, sidewalks, and other improvements that assure safe walking conditions for students who walk to and from school.
- C. The probable adverse environmental impacts of the proposed development, together with any practical means of mitigating adverse impacts, have been considered such that the proposal

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### Chapter 18.23 PLANNED RESIDENTIAL DEVELOPMENT (PRD)

shall not have an unacceptable adverse effect upon the quality of the environment, in accordance with CMC Title 16 and 43.21C RCW.

- D. Approving the proposed development shall serve the public use and interest, and adequate provision has been made for the public health, safety, and general welfare.
- E. The proposed development satisfies the standards and criteria as set forth in this chapter.
- F. The proposed development shall be superior to, or more innovative than conventional development, and shall provide greater public benefit without additional probable adverse impacts to public health, safety, or the environment, than available through the use of conventional zoning and/or development standards.
- G. The proposed development shall provide at least two access points (where a PRD does not have access to a primary or secondary arterial) that distribute the traffic impacts to adjacent streets in an acceptable manner.
- H. Preliminary approval does not constitute approval to obtain any building permits or begin construction of the project.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### 18.23.110 Relationship to adjacent areas.

The design and layout of a planned development shall take into account the integration and compatibility of the site to the surrounding areas. The perimeter of the planned development shall be so designed as to minimize any undesirable impact on adjacent properties. Setbacks from the property lines of the planned development shall be comparable to, or compatible with, those of any existing development on adjacent properties. Or, if adjacent properties are undeveloped, then setbacks shall conform to the type of development that may be permitted on adjacent properties.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### 18.23.120 Amendments.

- A. Minor Amendments. In issuing building permits for construction of a PRD, the city engineer may approve minor adjustments provided that such adjustments shall not:
  - 1. Increase the number of dwelling units;
  - 2. Decrease the amount of parking spaces, loading spaces, or open space;
  - 3. Permit structures to be located closer to any property line;
  - 4. Change any points of ingress or egress to the development as set forth in the final development plan;
  - 5. Conflict with any conditions or statements within a development agreement;
  - 6. Increase the height of buildings beyond the limits of the underlying zone.
- B. Amendment of Final Development Plan. Any change in the final development plan, other than those minor adjustments specifically authorized in writing by the city engineer at the time building permits are issued, must be reviewed by the planning commission and recorded in the minutes thereof. The recommendation of the planning commission regarding any change in the final development plan, together with its reasons therefore, shall be submitted to the city council for its approval. Upon approval of such changes by the city council, the final development plan shall be considered amended to that extent.



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Chapter 18.23 PLANNED RESIDENTIAL DEVELOPMENT (PRD)

- C. Unauthorized Changes. Unauthorized changes or substantial deviations from the final development plan shall be subject to a stop work order by the city-engineer. If not corrected, no occupancy permits shall be issued until the development is brought into compliance with the approved final development plan.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

**18.23.130 Procedure.**

An application for a PRD shall be processed as a Type III procedure pursuant to CMC Chapter 18.55 Administration and Procedures of this title. A public hearing before the planning commission and review by the city council is required for preliminary master plan approval. Final master plan approval is subject to review and acceptance by the city council at a public meeting. Final approval shall be in accordance with the provisions of this chapter.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2451 § 3, 2006; Ord. 2443 § 3 (Exh. A (part)), 2006)

(Ord. No. 2612, § 1(Exh. A), 2-7-2011)

## Title 18 - ZONING\*

### Chapter 18.25 ROWHOUSES

#### Chapter 18.25 ROWHOUSES

##### Sections:

18.25.010 Purpose.

18.25.020 Application.

18.25.040 Procedures.

18.25.050 Design standards.

18.25.060 Dimensional standards.

##### **18.25.010 Purpose.**

To provide opportunities for individual home ownership in the multifamily zoning districts, and/or to provide for variety in housing opportunities within a PRD, by allowing rowhouse developments consistent with density requirements of the base zones. This chapter provides alternative dimensional standards, and additional requirements which allows for the division of land into small lots in conjunction with the construction of attached single-family units commonly referred to as rowhouses or townhouses.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

##### **18.25.020 Application.**

An application is required for rowhouse developments and shall be reviewed in accordance with CMC Title 17 Land Development ~~"Subdivisions,"~~ of the ~~Camas Municipal Code~~. If land is subdivided, development proposals must receive approval of a site plan demonstrating how the proposal complies with this chapter and all other requirements identified on the application.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

##### **18.25.040 Procedures.**

- A. Preliminary plats may not be approved without approval of the submitted site plan. Both the site plan and preliminary plat must be fully consistent with standards of this and all other applicable ordinances.
- B. Preliminary plats may be approved only where conditions of approval are established to ensure that subsequent or existing development on the resultant parcels shall occur consistent with the approved site plan.
- C. Building permits may only be approved where fully consistent with the approved site plan and land division, or all units with common walls.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

##### **18.25.050 Design standards.**

- A. No more than forty percent of the total square footage of the front facade of each unit may be garage door area.

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### Chapter 18.25 ROWHOUSES

- B. One parking space is required per unit, and shall be provided either on the same lot as the dwelling, or in shared parking areas located primarily to the rear of, or beneath the units. Parking is encouraged to be located behind the dwelling unit with access to an alley. If an alley is utilized, pedestrian access from the alley to the dwelling shall be provided for each lot. On-site and shared parking shall be the primary parking location, off-site parking may be used if approved by the city.
- C. Detached garages are allowed, provided they are accessed from an alley or driveway, and do not exceed eighteen feet in height.
- D. Impact fees for rowhouses on individual lots shall be assessed at the multifamily rate.
- E. Only one dwelling unit may occupy an individual lot. Each attached dwelling may occupy no more than one lot.
- F. No more than eight attached dwellings are permitted in a row or single group of structures.  
(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### **18.25.060 Dimensional standards.**

Dimensional standards shall be determined by Table 3 of Section 18.09.0350.

Chapter 18.26 FLEXIBLE DEVELOPMENT

**Chapter 18.26 FLEXIBLE DEVELOPMENT**

**Sections:**

- 18.26.010 Purpose and intent.
- 18.26.030 Permitted uses.
- 18.26.040 Definitions of terms.
- 18.26.050 Score sheet adopted.
- 18.26.060 Application requirements for flexible development proposals.
- 18.26.070 Professional preparation
- 18.26.080 Criteria for approval.
- 18.26.090 Development bonuses.
- 18.26.100 Development assurances.

**18.26.010 Purpose and intent.**

This chapter is optional in all zoning districts except the LI/BP zone. The purpose and intent of this chapter is to promote the public health, safety and general welfare of the citizens of the City of Camas in accordance with state law and the City's Comprehensive Plan; and

- A. To provide for greater flexibility in the development of properties;
- B. To foster the development of land that is arranged, scaled, and designed to be compatible with existing and potential densities;
- C. To promote a growth pattern to efficiently use land;
- D. To promote construction and redevelopment that implements the most current sustainable features;
- E. Retain historical building or other structures to the greatest extent possible; and
- F. To allow for the modification of certain regulations when it can be demonstrated that such modification meets the minimum points for development under this chapter.
- G. To provide for an alternative to CMC Chapter 18.23 - Planned Residential Development (PRD). The city shall review a proposal for either a PRD or a flexible development, not a combination.

(Ord. No. 2628, § I(Exh. A), 10-17-2011)

**18.26.030 Permitted uses.**

Only permitted land uses within the underlying zoning classification shall be considered permitted within a flexible development. A use listed as conditional use within the underlying zoning classification may be proposed in combination with a flexible development if submitted concurrently with an application for such use.

(Ord. No. 2628, § I(Exh. A), 10-17-2011)

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### Chapter 18.26 FLEXIBLE DEVELOPMENT

#### 18.26.040 Definitions of terms.

For the purposes of this chapter, ~~and~~ the flexible development score sheet, the following definitions shall apply in addition to those definitions within Chapter 18.03:

- A. Building envelope means the exterior dimensions of a structure. For detached multi-family housing, a suitable size and configuration includes a building envelope capable of siting a twenty-foot by fifty-foot dwelling within the building envelope.
- B. Double-frontage lot means a lot, other than a corner lot, having street frontage on two sides. If proposed on streets other than arterials, then both sides of the lot must provide pedestrian access to the sidewalk, and the more intensely traveled street must be the front of the structure. This could require that each frontage provide a gate if fencing is proposed or the installation of stairs if there is a slope.
- C. Green roof means a landscaped area on the roof of a structure that provides stormwater benefits. Green roofs may serve dual purposes of stormwater management and as an aesthetic enhancement.
- D. GFA means the gross floor area of a structure as measured from the outside surface of the outer building wall for all levels.
- E. Permeable paving means that the method and material of paving will allow the movement of water and air through the paving material.
- F. Energy star / LEED (Leadership in Energy and Environmental Design) are nationally recognized programs for measuring the amount of overall environmental benefit that is provided in a building versus conventional methods.
- G. LED lighting means "light-emitting diode". These lights consume less energy, have a longer useable life, and are smaller in size than other lights with the same amount of lighting output.
- H. Meandering sidewalks means that the course of the walkway is winding or curving rather than straight. This design may cost more to develop given that more land may be required for curvature and landscaping.
- I. Rain gardens are landscaped areas planted with wild flowers and other native vegetation to soak up rain water, mainly from the roof of a house or other building. The rain garden fills with a few inches of water after a storm and the water slowly filters into the ground rather than running off to a storm drain. Compared to a conventional patch of lawn, a rain garden allows about thirty percent more water to soak into the ground. ~~Rain gardens are exempt from the thirty-foot setback standard of CMC Section 17.19.030.F-6 Storm Drainage Facilities.~~
- J. Recreational open space means lands that are developed for active recreation such as for park and trail use. These lands may contain critical features such as streams, steep slopes or wetlands, however only the unencumbered area of land is used in the score sheet calculations.
- K. Repurpose structure means to alter or renovate a building for a different purpose, on a long-term basis in lieu of demolition (e.g. Renovating a barn into a restaurant, or a warehouse into a performing arts theatre).
- L. Solar lighting is any use of sunlight or sky light for illuminating the interior of a building, or may be defined as the conversion of sunlight to power a fixture.
- M. Vegetated wall means a vertical surface designed and planted to be covered at maturity by plants.
- N. White roof means a roof with reflective shingles that exceed a 0.15 reflectivity, as established by the Department of Ecology. White roofs increase energy efficiency and lower the heat island effects of new development.

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### Chapter 18.26 FLEXIBLE DEVELOPMENT

(Ord. No. 2628, § I(Exh. A), 10-17-2011)

#### 18.26.050 Score sheet adopted.

The city's "Flexible Development Score Sheet" (score sheet) is a required form for this chapter and is adopted by the city by resolution (RES1223, or as amended). ~~This chapter requires compliance with Resolution # \_\_\_\_\_ or most currently adopted version.~~

(Ord. No. 2628, § I(Exh. A), 10-17-2011)

#### 18.26.060 Application requirements for flexible development proposals.

In addition to those items listed in CMC 18.55.110, the following items are required for a complete application for a flexible development. Items may be waived if, in the judgment of the director or designee, the items are not applicable to the particular proposal:

- A. Flexible development score sheet;
- B. Complete and signed SEPA checklist;
- C. A transportation impact study to determine the adequacy of the transportation system to serve the proposed development and to mitigate impacts of the proposal on the surrounding transportation system;
- D. Preliminary stormwater plan and report; if proposed, rain gardens are exempt from the thirty-foot setback standard of CMC Section 17.19.030.F-6 Storm Drainage Facilities.
- E. Preliminary grading plan;
- F. Site plan drawn to scale and depicting the following:
  1. The existing land uses within the development, and the existing location of all structures (indicate if any structures are to be repurposed);
  2. A list of owners of land adjacent to the proposed development;
  3. The proposed location of all buildings, if commercial or industrial project;
  4. The proposed lot sizes and building envelopes, if subdivision project;
  5. Location of any critical areas, critical area buffers, and significant trees in compliance with CMC Chapter 18.31 CMC and CMC Title 16 - Environment;
  6. Location of sidewalks, driveways, street lighting and street trees;
  7. The location of all areas to be conveyed, dedicated, or maintained as public or private streets/tracts;
  8. Provide a plan with the ingress/egress to the development with the proposed traffic circulation, parking areas, pedestrian walkways;
  9. A draft document containing agreements, provisions, and covenants regarding the permanent ownership, maintenance, protection, and use of the development;
- G. A preliminary landscape plan;
- H. Building elevations for each unique type of structure; and
- I. Narrative to describe how the proposed project complies with this chapter in balance with proposed flexible elements, relevant requirements of Camas Land Development and Zoning Codes, and the requirements of Chapter 58.17 RCW, if applicable. The city shall not consider variances to the minimum provisions of this chapter.

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(Ord. No. 2628, § I(Exh. A), 10-17-2011)

**18.26.070 Professional preparation**

The applicant for a proposed flexible development shall certify that one or more of the following have been involved with the preparation of the preliminary plan:

- A. An architect or engineer licensed in the State of Washington.
- B. A landscape architect licensed in the State of Washington.
- C. A registered civil engineer or a registered land surveyor licensed in the State of Washington.

(Ord. No. 2628, § I(Exh. A), 10-17-2011)

**18.26.080 Criteria for approval.**

A preliminary flexible development plan approval may be authorized by the decision maker if findings are made that the following criteria is satisfied:

- A. The proposal shall meet the purpose and intent of a flexible development as stated in this chapter in balance with development bonuses.
- B. The proposal meets the minimum score per the "flexible development score sheet" based on the particular land use zone.

Residential zones .....0.3

Commercial zones .....0.3

Industrial zones .....0.3

LI/BP Zones .....Not applicable

- C. The proposal is in conformance with the Camas Comprehensive Plan.

(Ord. No. 2628, § I(Exh. A), 10-17-2011)

**18.26.090 Development bonuses.**

Upon meeting the minimum standards of a flexible development per the score sheet, the project may be eligible for the following additional flexibility in land development standards:

- A. If proposed to meet the standards of this chapter, then rain gardens are exempt from the thirty-foot setback standard of CMC Section 17.19.030.F-6 Storm Drainage Facilities.
- B. Residential Development:
  - 1. May increase density of residential development in accordance with the Density Transfer Standards of CMC Section 18.09.03 (Table 2) of the underlying zone, or if a multi-family zone, then standards may reflect those of the MF-24 attached zone of CMC Section 18.09.050 (Table 3), if landscaping is not sacrificed.
  - 2. If project scores higher than minimum score, then for standard lots, building setbacks may be reduced to five feet on all sides of the structure with eighteen feet from garages (if driveways are accessed at the front of the lot). Refer to Figure 1.
  - 3. On corner lots vision clearance setbacks must be maintained in accordance with CMC Section 17.19.030.D-7 Corner Lots.

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### Chapter 18.26 FLEXIBLE DEVELOPMENT

4. Height of buildings may exceed the maximum building height of the zoning district by one story or ten feet, whichever is lesser.
- C. Commercial / Industrial projects
1. If project scores higher than a minimum score, then the applicant may reduce the required off-street parking for the GFA by twenty-five percent and participate in the city's Commute Trip Reduction Program.
  2. If a green roof is proposed, then the applicant may reduce up to fifty percent of the required off-street parking spaces (calculated on the first level if a multi-story building) for the equivalent square footage of a green roof. Refer to Figure 2 for formula.

(Ord. No. 2628, § I(Exh. A), 10-17-2011)

#### **18.26.100 Development assurances.**

- A. To assure full performance of the proposed flexible development, the developer shall provide certification from the qualified professional of record that the project element has been built as approved in the decision, prior to receiving an occupancy permit from the Building Department.
- B. Perpetual maintenance covenant.
1. The applicant shall be required to perform maintenance functions on the flexible development aspects of their approved project in perpetuity to maintain functionality at the current industry standards (e.g. roof gardens or solar panels).
  2. The maintenance covenant in a form acceptable to the city shall be recorded with the Clark County Auditor for each applicable lot or parcel. A copy of the recorded document must be provided to the Building Department prior to receiving an occupancy permit.
  3. The maintenance covenant as described herein shall run with the land and be binding upon the heirs, successors, and assigns of the applicant or owner.
- C. Amount of financial security. The director may require financial security to be provided for certain elements of the project that are not otherwise required to be secured pursuant to CMC Chapter 17.21-Procedures for Public Improvements. The financial security shall be based on one hundred five percent of the cost estimates. Cost estimates of the following shall be submitted to and approved by the director:
1. Estimated construction cost for green roofs, white roofs, and solar lighting.
  2. Estimated installation costs for landscaping and maintenance for a period of three years post-construction.



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Chapter 18.26 FLEXIBLE DEVELOPMENT

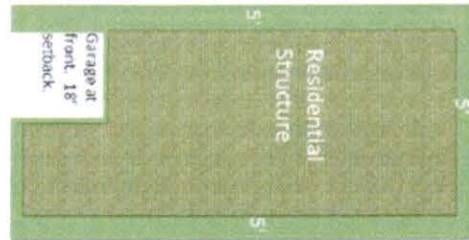
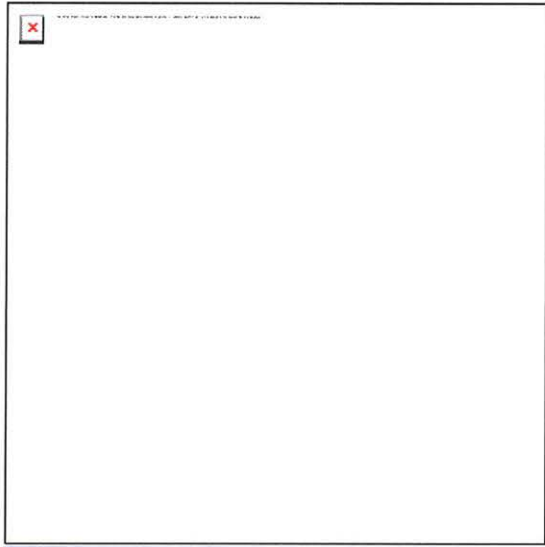
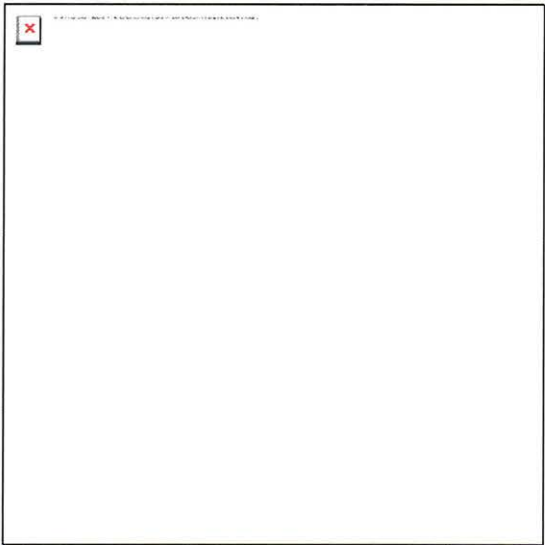


Figure 1: Potential reduced building setbacks.



**Figure 2:** Formula for parking calculation.

**Answer 1** is [(SF of green roof) + (parking # per use <sup>note</sup>)] + 2 = \_\_\_\_

**Answer 2** is (SF of standard roof) + (parking # per use <sup>note</sup>) = \_\_\_\_

**Answer 1 + Answer 2 = parking spaces required**

**Example:** 1,750 SF Office Building with 500 SF of green roof.

Answer 1: (500 SF + 250) + 2 = 1

Answer 2: 1,250 SF + 250 = 5

1 + 5 = 6 parking spaces are required

**Notes:** The amount of parking spaces for the equation is determined from **CMC 18.11.130 Parking Standards Table**. "SF" = Square Feet

(Ord. No. 2628, § I(Exh. A), 10-17-2011)

Chapter 18.27 ACCESSORY DWELLING UNITS

**Chapter 18.27 ACCESSORY DWELLING UNITS**

**Sections:**

- 18.27.010 Purpose.
- 18.27.020 Scope.
- 18.27.030 Definition.
- 18.27.040 Establishing an accessory dwelling unit.
- 18.27.050 Development standards.
- 18.27.060 Design guidelines.

**18.27.010 Purpose.**

Accessory dwelling units are intended to:

- A. Provide for a range of choices of housing in the city;
- B. Provide additional dwelling units, thereby increasing densities with minimal cost and disruption to existing neighborhoods;
- C. Allow individuals and smaller households to retain large houses as residences; and
- D. Enhance options for families by providing opportunities for older or younger relatives to live in close proximity while maintaining a degree of privacy.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

**18.27.020 Scope.**

Accessory dwelling units shall meet the requirement of this chapter, and may be allowed in the residential (R) and multifamily (MF) zones.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

**18.27.030 Definition.**

An "accessory dwelling unit (ADU)" means an additional smaller, subordinate dwelling unit on a lot with, or in an existing or new house. These units are intended to provide for a greater range of choices of housing types in single-family and multifamily residential districts. An ADU is not a duplex because the intensity of use is less due to the limitations of size and number of bedrooms. **See Figure 18.27-1.**



**Figure 18.27-1 Typical Accessory Dwelling Unit**

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### Chapter 18.27 ACCESSORY DWELLING UNITS

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### 18.27.040 Establishing an accessory dwelling unit.

An accessory dwelling unit may be created through:

- A. Internal conversion within an existing dwelling;
- B. The addition of new square footage to the existing house, or to a garage, and any addition thereto is located at least forty feet back from the front property line;
- C. Conversion of an existing garage if the garage is setback at least forty feet back from the front property line;
- D. Inclusion in the development plans for, or as part of, the construction of a new single-family detached dwelling unit; or
- E. A separate detached dwelling unit on the same lot as the primary dwelling unit, when the accessory unit is located at least ten feet behind the most distant back or side wall, or other structural element of the primary dwelling unit structure.

Manufactured homes or recreational vehicles are not considered an accessory structure for the purposes of this chapter.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### 18.27.050 Development standards.

- A. Number. No more than one accessory dwelling unit per legal lot is permitted, and it must be accessory to a single-family residence. A lot of record lawfully occupied by two or more single-family residences shall not be permitted to have an accessory dwelling unit, unless the lot is short platted under Title 17 of this code. If a short plat is approved, an accessory dwelling unit for each dwelling unit is permitted only if all dimensional standards of the underlying zone, and all other provisions of this chapter are met.
- B. Lot Area. No accessory dwelling unit shall be permitted on a lot of less than five thousand square feet.
- C. **Compliance Building permit.** The applicant must apply for a building permit for an accessory dwelling unit. An ADU shall comply with applicable building, fire, health, and safety codes. Addressing of the ADU shall be assigned by the building department, with approval by the fire department. An ADU cannot be occupied until a certificate of occupancy is issued by the building department.
- ~~D. Height. An accessory dwelling unit shall conform to existing requirements for the primary residence, including, but not limited to lot coverage, front, side, and rear yard setbacks. Building height is limited to twenty-five feet for a detached ADU. Building height requirements of the underlying zone do apply to the ADU for internal conversion, or structural addition to the existing primary dwelling.~~
- ED. Conformance to Zoning. The addition of an accessory dwelling unit shall not make any lot, structure or use nonconforming within the development site. All setbacks, including height limitations for the zone shall be met, except as allowed in Chapter 18.45 "Variances." An accessory dwelling unit shall conform to existing requirements for the primary residence, including, but not limited to lot coverage, front, side, and rear yard setbacks. Building height is limited to twenty-five feet for a detached ADU. Building height requirements of the underlying zone apply to the ADU for internal conversion, or structural addition to the existing primary dwelling.

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### Chapter 18.27 ACCESSORY DWELLING UNITS

- | **FE.** Outbuilding Size. For purposes of this section, an accessory structure (such as a garage or other outbuilding, but not a detached accessory dwelling unit) which contains an accessory dwelling unit may not cover more than ten percent of the total site area.
- | **GF.** Total Floor Area. The total gross floor area of an accessory dwelling unit shall not exceed forty percent of the area of the primary dwelling's living area. The living area of the primary unit excludes uninhabitable floor area and garage or other outbuilding square footage whether attached or detached.
- | **HG.** Number of Bedrooms. An accessory dwelling unit shall not contain more than one bedroom.
- | **H.** Parking. An accessory dwelling unit shall have a minimum of one on-site parking space, in addition to the primary dwelling unit's designated parking spaces.
- | **J.** Architectural Design. The exterior appearance of an addition or detached accessory dwelling unit shall be architecturally compatible with the primary residence. Compatibility includes coordination of architectural style, exterior building materials and color, roof material, form and pitch, window style and placement, other architectural features, and landscaping.
- | **KJ.** Entrances. For an accessory dwelling unit created by internal conversion or by an addition to an existing primary dwelling, only one entrance may be located on the front of the house, unless the house contained additional front doors before the conversion. Secondary entrances should be located on the side or rear of the primary residence to the extent possible.
- | **LK.** Utilities. An accessory dwelling unit shall connect to public sewer and water. A home or lot not connected to public sewer and water, which adds an accessory dwelling unit, shall connect to public sewer and water.
- | **ML.** Nonconformity. A home or lot which has an accessory dwelling unit which was established prior to adoption of this chapter may be approved for a building permit, subject to the provisions of Chapter 18.41 "Nonconforming Lots, Structures and Uses."
- | **NM.** Impact Fees. Accessory dwelling units shall be subject to impact fees at the following rates: twenty-five percent of the single-family rate for internal conversions, and thirty-five percent for external conversions.
- | **ON.** Owner Occupancy. Prior to the issuance of a building permit establishing an accessory dwelling unit, the applicant shall record the ADU as a deed restriction with the Clark County auditor's office. Forms shall be provided by the city stating that one of the dwelling units is and will continue to be occupied by the owner of the property as the owner's principal and permanent residence for as long as the other unit is being rented or otherwise occupied. The owner shall show proof of ownership, and shall maintain residency for at least six months out of the year, and at no time receive rent for the owner occupied unit. Falsely certifying owner occupancy shall be considered a violation of the zoning ordinance, and is subject to the enforcement actions.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

(Ord. No. 2612, § I(Exh. A), 2-7-2011)

#### 18.27.060 Design guidelines.

- A. Exterior Finish Materials. Exterior finish materials must duplicate or reflect the exterior finish material on the primary dwelling unit.
- B. Roof Slopes. For buildings over fifteen feet in height, the slope of the accessory dwelling unit roof must be the same as that of the predominate slope of the primary dwelling structure.
- C. Historic Structures. If an accessory dwelling unit is on the same lot as, or within an historic structure which has been designated on the national, state, or local historic register, the following design guidelines are applicable:

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### Chapter 18.27 ACCESSORY DWELLING UNITS

1. Exterior materials shall be of the same type, size, and placement as those of the primary dwelling structure.
2. Trim on edges of elements of an ADU shall be the same as those of the primary structure in type, size, and placement.
3. Windows in any elevation which faces a street shall match those in the primary structure in proportion, i.e., same height, width, and orientation (horizontal or vertical).
4. Pediment and Dormers. Each accessory dwelling unit over twenty feet in height shall have either a roof pediment or dormer, if one or the other of these architectural features are present on the primary dwelling.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

## Title 18 - ZONING\*

### Chapter 18.31 SENSITIVE AREAS AND OPEN SPACE\*

#### **Chapter 18.31 SENSITIVE AREAS AND OPEN SPACE\***

##### **Sections:**

- 18.31.010 Purpose.
- 18.31.020 Scope.
- 18.31.030 Administration.
- 18.31.080 Tree retention.
- 18.31.090 Vegetation removal in environmentally sensitive areas.
- 18.31.110 Mandatory preservation.
- 18.31.120 Negotiated preservation.

##### **18.31.010 Purpose.**

The guidelines, criteria, standards, special studies, and open space requirements in this chapter are intended to identify, protect, and preserve lands and areas within the city which are characterized by the presence of environmentally sensitive or valuable features and resources. These areas may include: steep slopes and areas of unstable soils, wetlands, streams, and watercourses. Certain activities, such as vegetation removal and the addition of impervious surfaces within these areas, unless regulated by the city, pose a potential threat to life, property, public health, and welfare. Unregulated activities also pose a significant threat to important environmental features and communities, and to the functions and values they perform. This chapter is also intended to implement the goals and policies of the comprehensive plan; to protect critical areas within the city as required by state policies, guidelines, and rules; to provide property owners and members of the public with notice as to the location and distribution of sensitive areas within the city; and to require special studies to help identify environmentally sensitive and valuable areas within the city. Such plans and studies shall be prepared by qualified professionals.

(Ord. 2515 § 1 (Exh. A (part)), 2008)

##### **18.31.020 Scope.**

Land proposals below are subject to the criteria, guidelines, conditions, performance standards, and procedural requirements contained in this chapter:

- A. Rezone;
- B. Conditional use permit;
- C. Variance;
- D. Shoreline substantial development permit;
- E. Planned development;
- F. Subdivision;
- G. Short subdivision;
- H. Commercial development;
- I. Business park development;

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### Chapter 18.31 SENSITIVE AREAS AND OPEN SPACE\*

- J. Any grading, filling, or clearing of land, or logging or removal of timber on land characterized by, or adjacent to (within three hundred feet of) an environmentally sensitive area; or
- K. Open space designation standards and requirements shall apply to any application proposals involving a subdivision or planned development.
- L. The standards and requirements of this chapter shall apply in addition to any other regulations of the city applicable to the underlying zone. In case of any conflict between these and any other regulation(s), the stricter regulation(s) shall apply.

(Ord. 2515 § 1 (Exh. A (part)), 2008)

#### 18.31.030 Administration.

The community development director shall determine, based on the city's sensitive area overlay maps, environmental information provided by the applicant, and field reconnaissance as necessary, whether a property for which development approval is requested contains the types of lands or areas subject to this chapter. If property for which development approval is requested does contain ~~sensitive lands, critical areas, as defined per CMC Section 16.51.070 Critical Areas Regulated, then~~ a development application must be accompanied by ~~wetland studies, detailed geotechnical studies, tree retention, vegetation removal plans, and wildlife habitat assessments~~ relevant information pursuant to Title 16 Environment. The community development director may waive or modify the study and reporting requirements of this section if it is determined that the subject property does not contain ~~substantial amounts of~~ such lands or areas.

(Ord. 2515 § 1 (Exh. A (part)), 2008)

#### 18.31.080 Tree retention.

- A. A tree survey, conducted by a qualified biologist, landscape architect, or arborist, shall be conducted for all lands proposed to be developed and listed under Section 18.31.020. A survey shall not be required for lands proposed to be retained as undeveloped open space.
- B. To the extent practical, existing healthy significant trees shall be retained. Preservation of groups of significant trees, rather than individual trees shall be preferred. All grading shall take place outside the drip line of those significant trees to be retained, except that the city engineer may approve grading within the drip line if it can be demonstrated that such grading can occur without damaging the tree or trees.

(Ord. 2515 § 1 (Exh. A (part)), 2008)

(Ord. No. 2612, § I(Exh. A), 2-7-2011)

#### 18.31.090 Vegetation removal ~~in environmentally sensitive areas.~~

- A. Exceptions. This section shall not apply to:
  - 1. Removal of vegetation outside of ~~environmentally sensitive critical~~ areas, in conservation areas, protected open space areas as shown on plats, or areas otherwise required to be protected;
  - 2. Removal of trees four inches or less in diameter, as measured at the base;
  - 3. Annual removal of vegetation from an area under one thousand square feet;
  - ~~4. Removal of three or fewer trees over four inches in diameter, as measured at the base;~~
  - ~~5.~~ 4. Removal of dead, diseased, or dying vegetation and trees;

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### Chapter 18.31 SENSITIVE AREAS AND OPEN SPACE\*

65. Normal maintenance associated with residential properties, including mowing, rototilling, and pruning;
  76. Removal of nonnative invasive plant species, such as Himalayan blackberries and ivy;
  87. Removal of vegetation associated with land surveys and environmental surveys;
  98. Removal of vegetation related to the construction, installation, and maintenance of public utilities.
- B. Vegetation Removal Permit Required. All persons seeking to remove vegetation from an ~~environmentally sensitive~~ critical area shall first obtain a permit from the city. An application for such permit shall be filed with the planning department and shall contain information relating to the proposed removal of vegetation, including but not limited to the location and species of plants and vegetation proposed to be removed, the contours of the subject property, soils information, the proposed schedule of removal, and any other information required by the ~~public works director~~ city.
- C. Preliminary Review.
1. Upon receipt of an application for a vegetation removal permit, the community development director or designee shall conduct a preliminary review. If the community development director finds that the proposed vegetation removal is exempt, or will have no adverse environmental impact, then the community development director shall issue a letter stating that the provisions of this section do not apply and that no permit is required.
  2. If the community development director finds that the proposed vegetation removal is not exempt, and there is potential for an adverse environmental impact, then a vegetation removal permit shall be required. Any uncertainty regarding the degree of environmental impact shall be resolved in favor of finding an adverse impact.
- D. Vegetation Management Plan as Part of Vegetation Removal Permit.
1. Not Required. For those applications that the community development director determines a permit is necessary, the community development director shall make a further determination of whether a vegetation management plan shall be required. If the proposed vegetation removal is minor in nature, and, if in the opinion of the community development director, adverse environmental impacts can be mitigated without requiring a vegetation management plan, then the community development director may issue a permit with mitigating conditions as may be appropriate.
  2. Required. For those applications that the community development director determines a permit is necessary, and which are determined not to be minor in nature, a vegetation management plan shall be required prior to issuance of the permit.
- E. Vegetation Management Plan—Standards. Vegetation management plans shall meet the following standards:
1. Vegetation management plans shall be prepared by a qualified arborist or biologist;
  2. If the proposed vegetation removal impacts a steep slope or area with potentially unstable soils, the vegetation management plan shall contain a certification by a qualified geotechnical engineer that the removal of vegetation in accordance with the vegetation management plan will not cause erosion or increase the likelihood of a landslide;
  3. Where possible, proposed vegetation removal activities adjacent to environmentally sensitive areas should be configured in a manner which avoids impacts;
  4. Where possible, limbing, pruning, or thinning should be utilized in lieu of removal of vegetation;
  5. Vegetation removal should normally be mitigated through vegetation enhancement in the form of additional plantings;



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6. Vegetation management should be done in the manner that takes into consideration stormwater runoff, slope stability, view enhancement, and wildlife habitat;
  7. The schedule for removal and planting should be done in such a manner as to optimize the survival of the modified vegetation and new plantings;
  8. Monitoring of vegetation survival may be required, and should normally include reports and photographs to the community development director or designee;
  9. Vegetation removal for purposes of view enhancement shall be limited to view corridors, as opposed to removal of vegetation over a larger area;
  10. Vegetation management plans shall bear the certification of the qualified arborist and any other registered professional involved in its preparation or implementation;
  11. Vegetation management plans should contain a provision requiring thirty days written notice to the city prior to any removal or replanting of vegetation.
- F. Bonding. A bond may be required to insure proper maintenance, replacement, or repair of areas altered under a vegetation removal permit. The bond amount shall be not less than 1.25 times the value of the plantings to be planted following removal of vegetation.
- G. Incorporation. The provisions of an approved vegetation management plan shall be incorporated into the covenants, conditions, and restrictions of any approved development, the conditions of approval, and referenced on the plat of an approved subdivision or planned development, or conditions of any other type of development permit.
- H. Process. Vegetation removal permits shall be processed as a Type I administrative review subject to notice pursuant to CMC Chapter 18.55 Administration and Procedures of this title.
- (Ord. 2515 § 1 (Exh. A (part)), 2008)
- (Ord. No. 2612, § I(Exh. A), 2-7-2011)

#### **18.31.110 Mandatory preservation.**

- A. As a condition of development approval for any development application set forth in Section 18.31.020(A) of this chapter, the applicant shall set aside and preserve all sensitive areas, except as otherwise permitted by this chapter. To insure that such areas are adequately protected, the applicant shall cause a protective mechanism acceptable to the city to be put in place.
  - B. For property zoned single-family residential or multifamily residential, the applicant shall receive a density transfer to the remainder parcel that is equal to the density lost due to the property set aside, except that the density transfer shall not exceed thirty percent of the allowable density for the entire development if it were not encumbered with sensitive lands.
- (Ord. 2515 § 1 (Exh. A (part)), 2008)

#### **18.31.120 Negotiated preservation.**

- A. The city and a landowner may negotiate an agreement whereby property is set aside and preserved with a protective mechanism. A negotiated preservation may be done incidental to a development proposal, or may be done independently of any development proposal.
- B. To be eligible for a negotiated preservation, the property to be set aside must be:
  1. Part of the open space network;
  2. An open space connector identified in the parks, recreation, and open space comprehensive plan;

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3. Land satisfying the open space criteria of Section 5.4 of the parks, recreation, and open space comprehensive plan; or
  4. A park site identified in the parks, recreation, and open space comprehensive plan.
- C. The city may, as part of any negotiated preservation, provide the landowner with:
1. Density transfer;
  2. A density bonus;
  3. A credit against park and open space impact fees;
  4. Cash from the parks and open space impact fee fund or the general fund; or
  5. Any combination of the above.

(Ord. 2515 § 1 (Exh. A (part)), 2008)

(Ord. No. 2612, § I(Exh. A), 2-7-2011)

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Chapter 18.32 PARK ZONING

**Chapter 18.32 PARK AND OPEN SPACE ZONING**

**Sections:**

- 18.32.010 Applicability.
- 18.32.020 Permitted uses.
- 18.32.030 Development standards.
- 18.32.040 Site plan review and design review.

**18.32.010 Applicability.**

The regulations of this chapter apply only to city-owned parks land held in public trust.

(Ord. No. 2667, § IV, 12-17-2012 )

**18.32.020 Permitted uses.**

Uses shall be allowed in accordance with Table 18.07. 030050-Table 2- Park and open space land uses. Park use is also subject to the requirements and limitations of Chapter 12.32 Park Rules and Regulations.

(Ord. No. 2667, § IV, 12-17-2012 )

**18.32.030 Development standards.**

- A. Lot Area. There is no minimum or maximum lot size in the Park zoning districts.
- B. Setbacks. The minimum setbacks are twenty feet.
- C. Building lot coverage. The maximum building lot coverage shall not exceed thirty-five percent of lot area, with the exception of community or recreation centers, where lot coverage shall not exceed sixty percent.
- D. Landscaping. All required yard setbacks shall be landscaped. Any storage areas visible to the right-of-way shall be screened. Parking area landscaping shall be consistent with CMC Chapter 18.13 Landscaping.
- E. Parking. The number and location of off-street parking shall be consistent with CMC Chapter 18.11 Parking.
- F. Signs. Signs shall be permitted according to the provisions of Chapter 18.15 Signs, under the commercial zoning standards.

(Ord. No. 2667, § IV, 12-17-2012 )

**18.32.040 Site plan review and design review.**

- A. Before a clearing, grading or building permit will be issued; Site Plan approval per Chapter 18.18 Site Plan Review is required. A phased site plan may be allowed in order to guide a new park development as funds and resources become available.

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- B. When Design Review is applicable; the Parks & Recreation Commission shall conduct design review and find that the development is generally consistent with the design standards of CMC Chapter 18.19 Design Review, guidelines and principles for commercial and mixed uses.

(Ord. No. 2667, § IV, 12-17-2012 )

Chapter 18.35 TELECOMMUNICATION ORDINANCE

**Chapter 18.35 TELECOMMUNICATION ORDINANCE**

**Sections:**

- 18.35.010 Purpose.
- 18.35.020 Reserved.
- 18.35.030 Definitions.
- 18.35.040 Abbreviations.
- 18.35.050 Scope.
- 18.35.060 Use authorization.
- 18.35.070 ~~Exemptions/nonconforming uses~~ Review procedures.
- 18.35.080 Height limitations.
- 18.35.090 General provisions.
- 18.35.100 Antennas and add-on antennas.
- 18.35.110 Wireless communications—Conditional use permits.
- 18.35.120 Landscaping and screening standards.
- 18.35.130 Federal requirements.
- 18.35.140 Application requirements.
- 18.35.150 Permitting process—Waiver of fees for collocation.
- 18.35.160 Removal of antennas and support structures.
- 18.35.170 Periodic review.
- 18.35.180 Best available technology (BAT) employment.

**18.35.010 Purpose.**

The purpose of this chapter is to minimize the exposure to potential adverse impacts of radio frequency radiation, to preserve the aesthetics of residential, commercial, and light industrial areas, and to minimize interference by telecommunication transmissions and radio frequency signals with manufacturing and industrial processes, and with emergency and residential communication equipment.

The purpose of this chapter is to set forth the regulations for the placement, development, permitting, and removal of wireless communication facilities, support structures, and antennas. The goals of this chapter are to:

- A. Establish clear and objective standards for the placement, design, and maintenance of wireless communication facilities in order to minimize adverse visual, aesthetic, and safety impacts.
- B. Ensure that such standards do not unreasonably discriminate among providers of functionally equivalent services.
- C. Encourage the design of such facilities to be aesthetically and architecturally compatible with the surrounding built and natural environment.
- D. Encourage the location of wireless communication support structures in nonresidential areas.

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- E. Encourage the collocation and clustering of wireless communication support structures and antennas to help minimize the total number of such facilities throughout the community.
- F. Encourage competition in the provision of wireless communication services for the benefit of the entire community.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### 18.35.020 Reserved.

#### Editor's note—

Ord. No. 2612, § I(Exh. A), adopted February 7, 2011, repealed § 18.35.020, which pertained to use authorization. See also the Code Comparative Table and Disposition List.

#### 18.35.030 Definitions.

In addition to those definitions listed in CMC Chapter 18.03 As used in this chapter, the following terms in this chapter shall have the following meaning be interpreted as follows:

"Accessory equipment structure" means an unstaffed structure used to house and protect the electronic equipment necessary for processing wireless communications signals. Associated equipment may include air conditioning and emergency generators.

"Add-on antenna" means an additional antenna(s) placed on an existing wireless communication support structure, or other existing building or structure, and does not include the originally approved antenna(s).

"Antenna(s)" means the specific device used to capture an incoming, and/or transmitting an outgoing radio-frequency signal. This definition shall include directional (panel) antennas, omni-directional (whip) antennas, parabolic (microwave dish) antennas, and ancillary antennas. All other transmitting or receiving equipment not specifically described herein shall be regulated in conformity with the type of antenna described herein which most closely resembles such equipment.

1. "Directional antenna" (also known as a "panel antenna") is an antenna array designed to transmit and receive signals in a directional pattern.
2. "Omni-directional antenna" (also known as a "whip antenna") is an antenna that transmits signals in a three hundred sixty-degree pattern.
3. "Dish antennas" (also known as a "parabolic antenna") is a bowl shaped device that receives and transmits signals in a point to point pattern.

"City" means the City of Camas.

"Clustering" means the placement of more than one wireless communication support structure on a single site.

"Collocation" means the use of a single wireless communication support structure by more than one wireless communication provider, or the use of a site by more than one wireless communication provider.

"Earth station" means a facility that transmits signals to and/or receives signals from orbiting satellite. Satellite dish antennas less than twenty-five feet in diameter shall not be considered earth stations.

"Lattice support structure" means a support structure which consists of a network of crossed metal braces, forming a tower which is usually triangular or square in cross-section, and is anchored at the base by a concrete foundation.

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"Leased area" means the specified area of the parent parcel upon which a wireless communication facility is located and is subject to specific lease provisions.

"Major telecommunication facility" means a utility use in which the means for transfer of information is provided. These facilities, because of their size, typically have impacts beyond their immediate site. Major telecommunication facilities shall include, but not be limited to, FM and AM radio transmission towers, UHF and VHF television transmission towers, and earth stations. Major telecommunication facilities do not include communication equipment accessory to residential uses, nor the studios of broadcasting companies such as radio or television stations.

"Minor telecommunication facility" means a telecommunication facility in which the transfer of information is provided but which generally does not have significant impacts beyond the immediate location of the facility. These facilities are smaller in size than a major telecommunication facility.

"Monopole support structure" means a support structure or tower consisting of a single pole which is either sunk into the ground and/or attached to a foundation.

"Satellite dish antenna" means an instrument or device designed or used for the reception and transmission of television or other electronic communication signals broadcast or relayed from an earth satellite. It may be a solid, open-mesh, or a bar-configured structure. Satellite dish antennas shall be considered major telecommunication facilities.

"Transmission tower" means a broadcasting facility that is constructed aboveground or water, or is attached to or on top of another structure, and is intended to support an antenna and accessory equipment, or which is itself an antenna, and whose principal use is to transmit telecommunication signals.

"Wireless communication facilities" means the site, structures, equipment, and appurtenances used to transmit, receive, distribute, provide, or offer wireless telecommunications services. This includes, but is not limited to antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics, and switching equipment.

"Wireless communication support structure" means a structure erected to support wireless communications antennas and connecting appurtenances. The primary purpose is to elevate an antenna above the surrounding terrain or structures and may be attached to an existing building or other permanent structures or as a freestanding structure which may include, but are not limited to monopole support structures and lattice support structures, and may have supporting guyed wires and ground anchors.

"Wireless communication systems" means the sending and receiving of radio frequency transmissions, and the connection and/or relaying of these signals to land lines and other sending and receiving stations (cell sites), and including, but not limited to cellular radiotelephone, personal communications services (PCS), enhanced/specialized mobile radio, and commercial paging services, and any other technology which provides similar services.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### 18.35.040 Abbreviations.

As used in this chapter, the following abbreviations shall stand for the following terms or entities:

- A. FAA. "FAA" means the Federal Aviation Administration established pursuant to the "Federal Aviation Act of 1958," as amended.
- B. FCC. "FCC" means the Federal Communications Commission established pursuant to the "Communications Act of 1934," as amended.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

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**18.35.050 Scope.**

The following facilities shall be subject to the regulations set forth in this chapter:

- A. All wireless communication support structures, antennas, equipment structures, and uses accessory to an antenna.
- B. Any modification to a wireless communication support structure, antenna, equipment structure, or uses accessory to an antenna.
- C. Major and minor telecommunication facilities, earth stations, and transmission towers.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

**18.35.060 Use authorization.**

Major and minor telecommunication facilities may be authorized as provided under CMC Chapter 18.07 Use Authorization. Wireless communications structures and antennas shall be permitted, prohibited or conditionally allowed as indicated in Table 18.35-1.

**Table 18.35-1**

KEY:	P = Permitted Use	C = Conditional Use
	X = Prohibited Use	T = Temporary Use

Use	NC	DC	CC	RC	LI/BP	LI	HI	R	MF
Wireless communication-support structures (no lattice)	C	C	C	C	P	P	P	C	C
Lattice support structures	X	X	X	X	X	X	C	X	X
Antenna and add-on antennas	P	P	P	P	P	P	P	P	P

**18.35.070 Exemptions/nonconforming-uses Review procedures.**

~~The following shall be exempt from requirements in this chapter:~~

- A. Wireless telecommunication support structures, antennas and equipment structures for which a permit has been issued prior to the effective date of the ordinance codified in this chapter shall be allowed to continue their previously permitted use; ~~under the development standards in effect at the time of permitting~~
- B. The following shall be ~~permitted outright~~ subject to a Type 1 – Minor Modification Permit when proposed to ~~for~~ existing wireless communication support structures, antenna, equipment, or uses which are nonconforming; ~~provided that there is no increase in excess of twenty-five percent of the cross-sectional diameter of any wireless communication support structure, and there is compliance with FCC radio frequency radiation standards:~~



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1. Structural alterations to meet safety requirements;
  2. Replacement on-site;
  3. Routine ~~or emergency~~ maintenance, renovation, or repair; and
  4. Addition of new antennas to an existing wireless communication support structure to permit collocation, ~~provided that no more than a total of three antennas over six feet in any dimension may be located on any existing wireless communication support structure.~~
- C. The following shall be exempt from requirements in this chapter:
1. The operation of industrial, scientific and medical equipment at frequencies designed for that purpose by the Federal Communications Commission.
  - ~~D.~~ 2. Machines and equipment that are designed and marketed as consumer products, such as computers, telephones, microwave ovens, and remote-control toys.
  - ~~E.~~ 3. Hand held, mobile and marine radio transmitters and/or receivers, and portable radio frequency sources.
  - ~~F.~~ 4. Two-way communication transmitters utilized on a temporary basis for experimental or emergency service communications.
  - ~~G.~~ 5. Licensed amateur radio frequency facilities including, but not limited to, amateur (ham) radio stations and citizen band stations.
  - ~~H.~~ 6. Satellite dish antenna systems normally used for television reception and internet connections at home or place of business.
  - ~~I.~~ 7. Emergency or routine repair, reconstruction, or routine maintenance of previously approved telecommunication facilities, ~~or replacement of transmitters, antennas, or other components, or previously approved facilities, replacement of transmitters, antennas, or other components of previously approved facilities which does not increase the power output of the facility by more than ten percent.~~

#### 18.35.080 Height limitations.

- A. The height of a wireless communications facility shall mean to include the support structure and any antennas proposed at the time of application. A lightning rod, not to exceed ten feet, or FAA required lighting shall not be included within the height limitations.
- B. The maximum height of wireless communications support structures and their antennas may vary from the standards of the underlying zone.
- C. The allowable overall height of a structure associated with a wireless communication facility or major telecommunication facility shall be no greater than the distance from any point at the base of the support structure to any point of a residential building, located on- or off-site and existing on the date of application, unless the owner of such residential building(s) consent in writing to such tower location.
- D. A variance to the height standard shall be subject to CMC Chapter 18.45 Variances of this title. In addition to the criteria of Chapter 18.45, the application must demonstrate the variance is necessary for wireless coverage to exist in a specific identifiable area that could not feasibly be covered by locating at a different location in the vicinity.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

(Ord. No. 2612, § 1(Exh. A), 2-7-2011)

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#### 18.35.090 General provisions.

The following general provisions shall apply to all wireless communications facilities:

- A. All wireless communications support structures and required fencing shall be equipped with appropriate anti-climbing devices.
- B. All wireless communication support structures and antennas which are located at a wireless communication facility shall be identified with a sign not exceeding four square feet. The sign shall list the wireless service provider's name and emergency telephone number, and shall be posted in a place visible to the general public.
- C. Wireless communication support structures and antennas locating on any site or existing building that is on a historic register or in a historic district shall require a conditional use permit. If the proposed site or existing building is on the local historic register, the wireless communication support structure and antenna design shall be subject to the applicable design standards prescribed by the Clark County historic preservation commission. If the site is on the national historic register, the wireless communication support structure and antenna shall be subject to the applicable design standards prescribed by the Secretary of the Interior.
- D. Wireless communication support structures not regulated by the FAA shall have a finished surface that minimizes the visibility of the structure.
- E. Wireless communication support structures shall not be illuminated, except when required by the FAA.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### 18.35.100 Antennas and add-on antennas.

Antennas and add-on antennas shall be permitted as a Type I review in any zone, and further subject to the applicable provisions of the international building code and the following conditions and exceptions:

- A. Shall add no more than twenty feet to the height of an existing structure as measured at the point of attachment to the existing structure.
- B. Shall be painted or finished in a manner that blends with dominant color of the background, unless required to be marked by the FAA.
- C. Shall be affixed to structures with mounting apparatus which produces the least visual impact and blends with the dominant background color.
- D. Individual add-on antennas shall be limited to the following size restrictions:
  1. A whip antenna shall not be more than three inches in diameter and fifteen feet in length.
  2. A panel, dish, or microwave antenna shall have not more than fifteen square feet.
  3. Multiple add-on antennas proposed for a single wireless communication support structure or existing building which increase the existing cumulative cross-sectional diameter of antennas by more than twenty-five percent shall require a conditional use permit.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### 18.35.110 Wireless communications—Conditional use permits.

Wireless communications support structures shall be subject to the conditional use permit provisions of CMC Chapter 18.43 Conditional Use Permits, as a Type III procedure, except within an industrial or

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light industrial zone where they shall be subject to a Type I decision subject to notice, be submitted on application forms and in the manner set forth by the city, with the following additional requirements:

- A. Collocation feasibility evaluation as prescribed by CMC Section 18.35.140, "Application Requirements" conditions. In addition to the conditions of approval of Chapter 18.43, the permit may include requirements which:
  - 1. Require the use of concealment technology, including, but not limited to fencing, landscaping, strategic placement adjacent to existing buildings or vegetation, and "stealth" designs to minimize adverse aesthetic and visual impacts;
  - 2. Require compatibility with key design elements in the surrounding area; for example, in single-family residential zones, use of peaked roof lines, painted surfaces, and wooden fences;
  - 3. Minimize the cumulative aesthetic, visual, or safety impacts of additional wireless communication facilities in the surrounding area.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

(Ord. No. 2612, § 1(Exh. A), 2-7-2011)

#### **18.35.120 Landscaping and screening standards.**

The following landscaping and screening standards shall apply to all wireless communication support structures, major or minor telecommunication facilities, accessory equipment structures, and any other accessory facilities located on the ground:

- A. The perimeter of the wireless communication support structure, and any guyed wires and anchors shall be enclosed by a fence or wall subject to CMC Chapter 18.18 Site Plan Review of this title. The outside perimeter of the fence or wall shall have a five-foot buffer, and be landscaped with six-foot high evergreen shrubs that provide a screen that is seventy-five percent opaque year around.
- B. Landscaping shall be installed in compliance with CMC Chapter 18.13 Landscaping.
- C. Add-on antennas to existing structures that require the ground installation of equipment structures and accessory equipment shall be landscaped with a five-foot buffer around the perimeter of the facility.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

(Ord. No. 2612, § 1(Exh. A), 2-7-2011)

#### **18.35.130 Federal requirements.**

All wireless communications support structures must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate wireless communications support structures and antennas. If such standards and regulations are changed, owners of the wireless communication support structure, antennas, and electronic equipment governed by this chapter shall bring such wireless communication support structure, antennas, and electronic equipment into compliance with such revised standards and regulations within the compliance schedule of the regulatory agency. Failure to bring wireless communications support structures and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the wireless communication support structure, antenna, or electronic equipment at the owner's expense. The owners of such wireless communications support structures, antennas, and electronic equipment shall provide the city with copies of all environmental assessments (EA's) required to be

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submitted to the FCC or FAA regarding locations within the city simultaneously with any filing with the federal agencies pursuant to 47 CFR Part I.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### 18.35.140 Application requirements.

In addition to other the requirements in this code, the applicant shall provide the following where applicable as deemed by the director:

~~A. A copy of the applicant's collocation evaluation study consisting of the following:~~

~~1A. Collocation evaluation study, which includes the following:~~

~~1. Certification that the following the notice at subsection (2) was mailed to all other wireless providers licensed to provide service within the City of Camas.~~

~~2. Pursuant to the requirements of CMC Chapter 18.35 Telecommunications Ordinance, (insert wireless provider) is hereby providing you with notice of our intent to apply to the City of Camas to construct a wireless communication support structure that would be located at (insert address). In general, we plan to construct a support structure of :#rule; \_\_\_\_\_ feet in height for the purpose of providing (cellular, PCS, etc.) service.~~

~~Please inform us whether you have any wireless facilities located within :#rule; \_\_\_\_\_ feet of the proposed facility, that facility, which may be available for possible collocation opportunities. Please provide us with this information within :#rule; \_\_\_\_ days after the date of this letter. If no response is received within that time, we shall assume you do not wish to pursue collocation at such site. Sincerely, (pre-application applicant, wireless provider).~~

~~2B. Certification from a licensed radio engineer indicating whether the necessary service is technically feasible if provided by collocation at the identified site(s) by the other provider(s).~~

~~3C. If applicable, evidence that the lessor of the site(s) identified by the other provider(s) agrees to collocation on their property.~~

~~4D. Certification by a licensed radio engineer that adequate site area exists or does not exist at the site(s) identified by the other provider(s) to accommodate needed equipment and meet all of the site development standards.~~

~~5E. If applicable, evidence that adequate access does exist at the possible collocation site(s) identified by the other provider(s).~~

~~6F. A copy of the applicant's license issued by the FCC.~~

~~7G. A copy of the findings from the FAA's "Aeronautical Study Determination" regarding the proposed wireless communication support structure.~~

~~8H. A report from a licensed professional engineer indicating the anticipated capacity of the wireless communication support structure, including the number and types of antennas which can be accommodated.~~

~~9I. Proof of liability insurance coverage for the proposed wireless communication support structure or antenna. Liability insurance shall be maintained until the wireless communication support structure or antenna is dismantled. Failure to maintain insurance coverage shall constitute a violation of this chapter and grounds for revocation of a permit.~~

~~10J. In the case of a leased site, a lease agreement which shows on its face that it does not preclude the site owner from entering into leases of the site with other providers.~~

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(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

(Ord. No. 2612, § I(Exh. A), 2-7-2011)

#### **18.35.150 Permitting process—Waiver of fees for collocation.**

If the wireless communication support structure and originally approved antennas required a conditional use permit, and attaching add-on antenna(s) does not require any additional wireless communication support structure expansion, except for normal mounting hardware, the add-on antennas shall only be subject to fees for being permitted outright. The site plan and SEPA fee shall be waived.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### **18.35.160 Removal of antennas and support structures.**

Any antenna or wireless communication support structure that is not operated for a continuous period of twelve months shall be removed by the owner of the property on which the wireless communication support structure or antenna is situated, or by the owner or lessee of the wireless communication support structure or antenna, within ninety days of receipt of notice to remove from the city. If the antenna and/or wireless communication support structure is not removed within such ninety days, the city may remove the antenna or wireless communication support structure at the owner's expense. If there are two or more wireless communications providers on a single wireless communication support structure, this provision shall not become effective until all providers cease using the wireless communication support structure for a continuous period of twelve months. The provider shall submit a notice to the city informing the city that the antenna or wireless communication support structure is no longer in use or in operation. Such notice shall be submitted within thirty days that the facility becomes unused or inoperable.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### **18.35.170 Periodic review.**

The city recognizes that communication technologies are subject to rapid change. Future innovations may result in reducing the impacts of individual facilities and render specific portions of this chapter obsolete. Additionally, this chapter may not address new technologies as they develop. Therefore, periodic review and revision of this chapter shall occur at least every two years, or at the request of the planning commission or city council.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### **18.35.180 Best available technology (BAT) employment.**

At the time of application for a new or revised permit subject to the provisions of this chapter, best available technology (BAT) shall be employed. Further, the city strongly encourages the communication industry to review and replace outdated facilities with BAT.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

Chapter 18.45 VARIANCES

**Chapter 18.39 HOME OCCUPATIONS**

**Sections:**

- 18.39.010 Purpose.
- 18.39.020 Definitions.
- 18.39.030 Minor home occupations.
- 18.39.040 Major home occupation.
- 18.39.050 Appeals.
- 18.39.060 Exemptions.
- 18.39.070 Prohibited.
- 18.39.080 Termination, revocation, suspension.
- 18.39.090 Complaints, enforcement.

**18.39.010 Purpose.**

- A. The purpose of the home occupation chapter is to address the need for small scale home based businesses, and to ensure they are suitable to the characteristic of the surrounding neighborhood or the area. The regulations are designed to:

Protect the individual characteristics of neighborhoods in the City of Camas, and maintain the quality of life for all residents of the city.

- B. The intent of this chapter is to ensure that business activities that are allowed in residential neighborhoods are regulated as home occupations, and that activities not able to meet the requirements of this chapter are directed to appropriate mixed use, commercial, or manufacturing zoning districts.
- C. This chapter is not intended to regulate typical family or personal activities, or occasional visits by business associates and outside service providers, except as otherwise provided.
- D. It is not the intent of this chapter to involve the city in the enforcement of private restrictive covenants.
- E. Join in an effort to reduce vehicle miles traveled, traffic congestion, and air pollution in the State of Washington.

(Ord. No. 2561, § I(Exh. A), 10-19-2009)

**18.39.020 Definitions.**

In addition to those definitions listed in CMC Chapter 18.03, the following definitions shall also apply to As used in this chapter:

- A. "Commercial vehicle" means a semi-truck and/or trailer used in any commercial enterprise.
- B. "Employee" means a full or part time non-resident participant.
- C. "Normal delivery services" means deliveries by parcel post, United Parcel Service, or similar in-town delivery service trucks.
- D. "Customer, client" means any person visiting the site for business purposes that is not an employee of the home occupation or a resident of the home.

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- E. "Home occupation" means any accessory activity customarily conducted in a dwelling, or in a building or structure accessory to a dwelling, for gainful employment involving the manufacture, provision or sale of goods and/or services, and where the residential character of the dwelling and neighborhood is maintained.
- F. "Outdoor storage" means the outdoor holding of any materials or merchandise used or associated with a home business, whether covered or uncovered.
- G. "Vehicles or motors" mean vehicles or equipment with internal combustion engines (such as autos, motorcycles, scooters, snowmobiles, outboard marine engines, lawn mowers, chain saws, and other engines).

(Ord. No. 2561, § I(Exh. A), 10-19-2009)

#### 18.39.030 Minor home occupations.

- A. A minor home occupation permit is required for any business operated in a dwelling unit or accessory building which has no external indication of commercial activity, including no non-resident employees, no client visits, ~~no-minimal~~ business-related deliveries, and no vehicle signage.
- B. No production, generation, or storage of any hazardous substances or materials beyond an amount that is commonly used for a single-family dwelling shall be permitted.
- C. Minor home occupation permits shall be subject to a Type I review in accordance with the administrative approval procedures of CMC Chapter 18.55 Administration and Procedures.
- D. Applicant shall submit a completed minor home occupation permit to the city for review and approval.

(Ord. No. 2561, § I(Exh. A), 10-19-2009; Ord. No. 2612, § I(Exh. A), 2-7-2011)

#### 18.39.040 Major home occupation.

Major home occupation permits shall be subject to a Type II review in accordance with the ~~administrative approval~~ procedures of CMC Chapter 18.55 Administration and Procedures, and must comply with the following:-

- A. Owner/operator, employees.
  - 1. Only members of the family residing on the premises, and no more than two non-residents may be continuously employed at any one time on the site.
  - 2. A home occupation permit issued to one person shall not be transferable to any other person, entity, or business, and is valid only for the property address set forth in the permit.
- B. Alterations, residential character.
  - 1. No dwelling or accessory structure shall be constructed, modified, or altered to accommodate a home occupation which alters the residential character of the property in such a way so as to render its appearance incompatible with neighboring properties.
  - 2. Home occupations shall be allowed to be conducted in accessory buildings detached from the principal dwelling unit, provided that if the home occupation use occurs in an accessory building, it shall be subject to the same rules and regulations for home occupation uses within the principal dwelling unit.
  - 3. The home occupation shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered, or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character.

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- C. Location of use, size.
1. Where an accessory dwelling unit exists, a home occupation must be conducted either in the primary dwelling unit, the accessory dwelling unit, or an accessory structure on the property, but not in more than one.
  2. The business shall utilize no more than twenty-five percent of the gross floor area or five hundred square feet, ~~whichever is less,~~ of the structure, whichever is less, including storage of any inventory or incidental supplies ~~which~~ that are necessary to the home occupation.
- D. Signs. Signs shall be in conformance with CMC Chapter 18.15 Signs.
- E. Hours of operation. Business visits and non-resident employee arrivals or departures shall occur between 7:00 a.m. and 10:00 p.m.
- F. Traffic.
1. Traffic generated by the home occupation shall not noticeably affect the residential character of the neighborhood.
  2. Deliveries or pick-ups by normal delivery services shall not exceed two trips per day, and occur only between 7:00 a.m. and 10:00 p.m.
  3. Traffic which exceeds eight clients, customers, normal deliveries, or combination thereof per day, shall be a prima facie evidence that the activity is a primary business and not a home occupation.
- G. Parking.
1. The site shall have adequate on-site parking to accommodate any additional traffic resulting from the use.
  2. Adequate on-site parking shall be provided for all non-resident employees, and shall be used by those employees at all times.
  3. Under no circumstances shall parking for the home occupation cause traffic hazards.
  4. With the exception of existing driveways, no parking shall be allowed in setbacks or buffers.
- H. Sales. Except for the purchase of merchandise crafted on-site or items clearly accessory to a service (e.g., crafts or artwork, or hair care products incidental to a beauty salon for example) no retail customers shall visit the home premises at any time.
- I. Outdoor storage. There shall be no outdoor storage or display of any items pertaining to the home occupation allowed.
- J. Equipment. No mechanical equipment shall be used except as is commonly or customarily used for domestic household or personal purposes for a dwelling (or as deemed similar in terms of power, quantity, noise, emissions, and type) shall be allowed.
- K. Disturbing influences.
1. No excessive mechanical equipment which produces vibration, smoke, dust, odors, heat, glare, or noxious fumes resulting from a home occupation shall exceed that which is normally produced in a single-family dwelling.
  2. Any noise generated by the home occupation shall be consistent with the requirements in CMC Section 9.32.050 Public disturbance noises.
  3. No production, generation, or storage of any hazardous substances or materials beyond an amount that is commonly used for a single-family dwelling shall be permitted.



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(Ord. No. 2561, § I(Exh. A), 10-19-2009; Ord. No. 2612, § I(Exh. A), 2-7-2011)

#### 18.39.050 Appeals.

Any person aggrieved by a denial of an application for a home occupation, or seeking relief from the strict application of the requirements in Section 18.39.040, above, may appeal such decision to the board of adjustment. The home occupation may be approved by the board of adjustment if the board finds that the home occupation:

- A. Will not be materially detrimental to the public welfare;
- B. Will not have adverse impact on adjacent properties in the zone or vicinity in which the subject property is located;
- C. Will be consistent with the spirit and purpose of this chapter and code.
- D. Will not include storage, display of goods, building materials, and/or the operation of building machinery, commercial vehicles, or other tools, unless it meets the following criteria:
  1. Is wholly enclosed within a structure or building;
  2. Does not emit noise, odor, or heat;
  3. Does not create glare or emit light from the site; and
  4. Does not create a condition which injures or endangers the comfort, or pose health or safety threats of persons on abutting properties or streets.

In addition, the board of adjustment may impose such requirements and conditions with respect to location, installation, construction, maintenance, operation and extent of open spaces in addition to those expressly set forth in this chapter and code, as may be deemed necessary for the protection of other properties in the zone or vicinity and the public interest.

(Ord. No. 2561, § I(Exh. A), 10-19-2009)

#### 18.39.060 Exemptions.

- A. Any of those uses allowed in residential and multi-family zones consistent with CMC Section 18.07.040 Table 2.
- B. Garage sales, yard sales, bake sales, and other like uses do not need to comply with the requirements of this chapter. ~~as long as the use does not operate for more than twenty days in any one calendar year, or would be in violation of any other provisions of the Camas Municipal Code. To qualify for this exemption, garage and yard sales must involve only the sale of household goods, none of which were purchased for the purpose of resale.~~ Garage and yard sales are ~~also~~ subject to CMC Chapter 8.48 Garage and Yard Sales.

(Ord. No. 2561, § I(Exh. A), 10-19-2009; Ord. No. 2612, § I(Exh. A), 2-7-2011)

#### 18.39.070 Prohibited.

The following uses shall not be permitted as home occupations:

- A. Motor vehicle, trailer, boat, and heavy equipment repair, body work, or painting;
- B. Vehicle services, including stereo and car alarm installation, and detailing;
- C. Medical or professional clinics;
- D. Retail activities of any type, except as allowed in 18.39.040(H), above;

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- E. Commercial kennel or stable;
- F. Veterinary clinic or hospital;
- G. Any activities involving more than eight customer or business visits per day;
- H. Production of any type of fuels for use, storage, dispensing, or sales.

(Ord. No. 2561, § I(Exh. A), 10-19-2009)

**18.39.080 Termination, revocation, suspension.**

- A. A home occupation may be terminated, revoked, or suspended for a violation of any requirements as listed in CMC 18.39.040
- B. Notwithstanding any other provisions of this chapter of the city code, a home occupation may be immediately terminated if the city finds that the home occupation is being conducted in a manner which is detrimental to the public health or safety. In the event of such immediate termination, the operator of the home occupation shall be advised that he or she shall have the right to appeal on the propriety of such immediate termination as provided in CMC 18.55.200

(Ord. No. 2561, § I(Exh. A), 10-19-2009)

**18.39.090 Complaints, enforcement.**

Any complaint made that a home occupation is being conducted in violation of this chapter shall be enforced pursuant to Article VIII of CMC Chapter 18.55 Administration and Procedures.

(Ord. No. 2561, § I(Exh. A), 10-19-2009; Ord. No. 2612, § I(Exh. A), 2-7-2011)

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##### Sections:

18.45.010 Purpose.

18.45.020 Approval process.

18.45.030 ~~Criteria for granting a variance~~Minor Variance.

18.45.040 Major Variance

18.45.~~040-050~~ Conditions for granting—Extension.

~~18.45.050 Application requirements.~~

18.45.~~080-060~~ Prohibited variance.

##### 18.45.010 Purpose.

A variance to any development standard contained in this title, other than density and lot area, may be granted when practical difficulties, unnecessary hardship, or results inconsistent with the general purposes of CMC Title 16, Environment, and CMC Title 18, Zoning, would result from the literal enforcements of its requirements. The sole purpose of any variance shall be to prevent such difficulties, hardship, or results and no variance shall be granted that would have the effect of granting a special privilege not shared by another property in the same vicinity and zone, except when necessary to avoid such difficulties, hardship, or results.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

(Ord. No. 2612, § I(Exh. A), 2-7-2011; Ord. No. 2649, § I, 5-21-2012)

##### 18.45.020 Approval process.

- A. Minor Variance. A minor variance is one that results in the modification of up to ten percent of a numerical development standard (other than lot area or density) that shall be subject to Type I procedure, pursuant to CMC Chapter 18.55 Administration and Procedures, and subject to the approval criteria contained in CMC Section 18.45.030(A).
- B. Major Variance. A major variance is one that results in the modification of a numerical development standard by more than ten percent. The board of adjustment is generally the decision maker regarding major variances. Where a variance is consolidated with an application for a Type III decision, the decision maker shall be the same as that for the Type III application. A major variance shall not be approved unless findings are made by the approval authority that all of the approval criteria under CMC Section 18.45.030 are satisfied.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

(Ord. No. 2612, § I(Exh. A), 2-7-2011)

##### 18.45.030 ~~Criteria for granting a variance~~Minor variance.

~~The board of adjustment (or hearing examiner, or planning commission, in accordance with Section 18.45.020(B)) shall consider all requests for variances from the zoning code; a variance from the provisions of such ordinances shall not be granted unless all of the following facts and conditions exist:~~

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~~A. Minor Variance.~~ The community development director may grant a minor variance upon demonstration by the applicant of compliance with all of the following approval criteria:

~~4A.~~ Unusual circumstances or conditions apply to the property and/or the intended use that do not apply generally to other property in the same vicinity or district;

~~2B.~~ The variance requested is the minimum necessary to relieve the unusual circumstances or conditions identified in subsection (A)(~~4~~) of this section;

~~3C.~~ The ~~authorization-granting~~ of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located;

~~4D.~~ The proposed variance does not exceed ten percent of the requested dimensional standard in which the variance is requested.

E. The unusual circumstances and conditions associated with the variance are not a result of the actions of the applicant or property owner.

#### **18.45.040 B. Major Variance.**

A. The board of adjustment (or hearing examiner, or planning commission, in accordance with Section 18.45.020(B)) shall consider all requests for major variances from the zoning code; ~~a variance from the provisions of such ordinances shall not be granted unless all of the following facts and conditions exist:~~

B. Approval of a major variance ~~shall not be authorized without findings~~must demonstrate with findings of compliance with all of the following criteria:

1. The variance shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located;
2. That such variance is necessary, because of special circumstances or conditions relating to the size, shape, topography, location, or surroundings of the subject property, to provide it with use, rights, and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;
3. The granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and in the zone in which the subject property is located.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

#### **18.45.040-050 Conditions for granting—Extension.**

In authorizing the variance, the approval authority may attach thereto such conditions that it deems to be necessary or desirable in order to carry out the intent and purpose of this chapter and the public interest. A variance so authorized shall become void after the expiration of one year, or a longer period as specified at the time of the approval authority action, if no building permit has been issued in accordance with the plans for which such variance was authorized, except that the approval authority may extend the period of variance authorization, without a public hearing, for a period not to exceed twelve months upon a finding that there has been no basic change in pertinent conditions surrounding the property since the time of the original approval.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

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**~~18.45.050~~ Application requirements.**

~~An application for a variance shall be made on forms provided by the city. All applications shall be accompanied by a filing fee set time to time by resolution of the city council.~~

~~(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)~~

**18.45.080-060 Prohibited variance.**

Under no circumstances shall the approval authority grant a variance to permit a use not outright or conditionally permitted in the zone involved, or any use expressly or by implication prohibited by the terms of this title.

(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

~~Chapter 18.49 UNCLASSIFIED USE PERMITS~~

**Chapter 18.49 Unclassified Use Permits (Repeal)**

**Sections:**

~~18.49.010 Purpose.~~

~~18.49.020 Uses requiring an unclassified use permit (UUP).~~

~~18.49.030 Area and dimensional requirements.~~

~~18.49.040 Application requirements.~~

~~18.49.050 Notice and hearing requirements.~~

~~18.49.060 Criteria.~~

~~18.49.070 Expiration and renewal.~~

~~18.49.080 Revocation of permit.~~

~~18.49.090 Performance bond or security.~~

~~18.49.100 Resubmittal of application.~~

~~18.49.010 Purpose.~~

~~It is the purpose of this chapter to establish procedures for the regulation of uses possessing unusual, large-scale, unique or special characteristics that make impractical their being included in the various zone districts previously defined in Chapter 18.05 "Zoning Map and Districts."~~

~~(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)~~

**~~18.49.020 Uses requiring an unclassified use permit (UUP).~~**

~~Uses not listed in CMC Chapter 18.07 Use Authorization of this title require an unclassified use permit processed subject to a Type III procedure pursuant to CMC Chapter 18.55 Administration and Procedures, subject to the approval criteria as provided in this chapter.~~

~~(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)~~

~~(Ord. No. 2612, § 1(Exh. A), 2-7-2011)~~

**~~18.49.030 Area and dimensional requirements.~~**

~~A. The requirements for front, rear and side yards and open spaces and landscaping applicable to the underlying zone classification in which any such use is proposed to be located shall prevail, unless specific modifications are required in granting the unclassified use permit.~~

~~B. The provisions applying to height and minimum lot area and width applicable to the underlying zone classification in which any such use is proposed to be located shall prevail unless specific modifications are required in granting the UUP.~~

~~(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)~~

Chapter 18.49 UNCLASSIFIED USE PERMITS

**18.49.040 Application requirements.**

~~Application for an unclassified use permit shall be filed with the planning department on forms provided by that office. All applications shall be accompanied by a filing fee as set from time to time by resolution of the city council.~~

~~(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)~~

**18.49.050 Notice and hearing requirements.**

~~Upon completion of review of the proposed project by the planning department, the planning department shall schedule a public hearing before the planning commission to consider the application for the unclassified use permit. Public hearing notice shall be made in accordance with CMC Chapter 18.55 Administration and Procedures of this title. Following the public hearing, the planning commission shall make a recommendation to the city council regarding the proposed project. The city council shall adopt findings, and shall specifically state what is approved and any conditions thereon.~~

~~(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)~~

~~(Ord. No. 2612, § 1(Exh. A), 2-7-2011)~~

**18.49.060 Criteria.**

~~The planning commission and city council shall be guided by all of the following criteria in granting an unclassified use permit:~~

- ~~A. The proposed use will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity;~~
- ~~B. The proposed use shall meet or exceed the same standards for parking, landscaping, yards, and other development regulations that are required in the district it will occupy;~~
- ~~C. The proposed use shall be compatible generally with the surrounding land uses;~~
- ~~D. The proposed use shall be in keeping with the goals, objectives, and policies of the comprehensive plan;~~
- ~~E. All measures shall be taken to minimize the possible adverse impacts that the proposed use may have on the area in which it is located.~~

~~(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)~~

**18.49.070 Expiration and renewal.**

~~An unclassified use permit shall automatically expire one year after the date it was granted by the city council, unless a building permit conforming to plans upon which the permit was granted is obtained within that period of time. An unclassified use permit shall automatically expire unless substantial construction shall be completed within two years from the date the unclassified use permit is granted by the city council, unless a renewal is granted, or unless the UUP specifically provides for a period greater than two years. The city council, upon recommendation of the planning commission, may renew an unclassified use permit for a maximum period of one additional year. No more than one renewal shall be issued for any UUP. A renewal may be granted only if there have been no pertinent changes in conditions surrounding the property since the time of original approval. No hearing is required for renewal of an unclassified use permit.~~

~~(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)~~

**Chapter 18.49 UNCLASSIFIED USE PERMITS**

**18.49.080 Revocation of permit.**

~~The city council may revoke or modify an unclassified use permit. Any aggrieved party may petition the planning commission in writing to initiate revocation or modification proceedings. Such revocation or modification shall be made on any one or more of the following grounds:~~

- ~~A. The approval was obtained by deception, fraud, or other intentional and misleading representations;~~
- ~~B. The use approved has been abandoned;~~
- ~~C. The use approved has at any time ceased for a period of one year or more;~~
- ~~D. The permit granted is being exercised contrary to the terms or conditions of such approval, or in violation of any statute, resolution, code, law, or regulations.~~

~~Before an unclassified use permit may be revoked or modified, a public hearing shall be held. Procedures concerning notice, reporting, and appeals shall be the same as required by this chapter for the initial consideration of an unclassified use permit application.~~

~~(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)~~

**18.49.090 Performance bond or security.**

~~A performance bond or other adequate and appropriate security may be required by the city for any elements of the proposed project which the city determines are crucial to the protection of the public welfare. Such bond shall be in an amount equal to one hundred percent of the cost of the installation or construction of the applicable improvements.~~

~~(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)~~

**18.49.100 Resubmittal of application.**

~~An application for an unclassified use permit which has been denied may not be resubmitted within one year from the date of city council disapproval.~~

~~(Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)~~



**Chapter 18.55 ADMINISTRATION AND PROCEDURES\***

**Sections:**

Article I. - General Procedures

Article II. - Pre-Filing Requirements

Article III. - Application Requirements

Article IV. - Public Notices and Hearings

Article V. - Decisions and Appeals

Article VI. - Miscellaneous Processes

Article VII. - Code Conflicts

Article VIII. - Enforcement

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Chapter 18.55 - ADMINISTRATION AND PROCEDURES\*

Article I. General 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.

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. ~~As used in this chapter Director or Community Development Director shall mean the Community Development Director or designee.~~

(Ord. 2515 § 1 (Exh. A (part)), 2008)

(Ord. No. 2612, § I(Exh. A), 2-7-2011)

**18.55.020 Determination of proper procedure type.**

- A. Determination by Director. The ~~community-Community development-Development director-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.

(Ord. 2515 § 1 (Exh. A (part)), 2008)

**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 - Summary of decision making processes**

Permit Type	Approval Process							
	I	II	III	Shore	SEPA	BOA	IV	
Archaeological		X	X					
Binding site plans		X						
Boundary line adjustment	X							
Building permits	X							
Certificate of occupancy	X							
Conditional use			X <sup>(5)</sup>					
Design review	X	X						
Final plats <sup>(2)</sup>	X							
Home occupations	X	X						
	Minor	Major						

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LI/BP		X <sup>(1)</sup>	X <sup>(4)</sup>		
Minor modifications	X				
Plan/zone change					X
Planned development final master plan <sup>(3)</sup>	X				
Planned development preliminary master plan			X <sup>(4)</sup>		
Preliminary subdivision plat			X <sup>(5)</sup>		
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				
<b>Unclassified use permit</b>			X <sup>(4)</sup>		
Variance (minor)	X				
Variances (major)					X
Zone change/single tract			X <sup>(5)</sup>		
Zone code text changes					X

Notes:

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

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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 prior to the hearing, and the staff report is generally made available five days prior to the hearing. If a SEPA threshold determination is required, the notice of hearing shall be made at least fifteen days prior to the hearing 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 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 to the planning commission or hearings examiner, as appropriate. ~~The shoreline procedures regulations are found at Section 18.55.330 as specified in CMC Chapter 18.88 Shoreline Management of this title, and the Camas Shoreline Master Program (2012, or as amended).~~
- 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 Approval process 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. 2515 § 1 (Exh. A (part)), 2008)

(Ord. No. 2612, § I(Exh. A), 2-7-2011)

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Chapter 18.55 - ADMINISTRATION AND PROCEDURES\*

Article III. Application Requirements

**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.

**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 department 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.

(Ord. 2515 § 1 (Exh. A (part)), 2008)

**18.55.110 Application—Required information.**

Type II or Type III applications include 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. A 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 thirty days prior to application) mailing list and mailing labels of owners of real property within three hundred feet of the subject parcel, certified as based on the records of 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 preapplication conference as being required;
- E. Necessary drawings in the quantity specified by the director;
- F. Copy of the preapplication meeting notes (Type II and Type III);
- G. SEPA checklist, if required;
- H. Signage for Type III applications and short subdivisions: Prior to an application being deemed complete and Type III applications are scheduled for public hearing, the applicant shall post one four-foot by eight-foot sign per road frontage. The sign shall be attached to the ground with a minimum of two four-inch by four-inch posts or better. The development sign shall remain posted and in reasonable condition until a final decision of the city is issued, and then shall be removed by the applicant within fourteen days of the notice of decision by the city. The sign shall be clearly visible from adjoining rights-of-way and generally include the following:

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1. Description of proposal,
2. Types of permit applications on file and being considered by the City of Camas,
3. Site plan,
4. Name and phone number of applicant, and City of Camas contact for additional information,
5. If a Type III application, then a statement that a public hearing is required and scheduled. Adequate space shall be provided for the date and location of the hearing to be added upon scheduling by the city.

(Ord. 2515 § 1 (Exh. A (part)), 2008)

(Ord. No. 2612, § I(Exh. A), 2-7-2011)

**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 twenty-eight days of receipt of the application, the director shall complete this initial review and issue a letter to the applicant 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 twenty-eight days, the application will be presumed complete on the twenty-eighth day after submittal.
- C. Upon receipt of a letter indicating the application is incomplete, the applicant has one hundred eighty 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 one hundred eighty day period, the director shall again verify whether the application, as augmented, is complete. Each such review and verification should generally be completed within fourteen days.
- 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 one hundred twenty 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-shoreline~~ 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.

(Ord. 2515 § 1 (Exh. A (part)), 2008)

## **Article V. Decisions and Appeals**

18.55.200 Appeals—Generally.

18.55.210 Reserved.

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 III 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.**

- A. Type II decisions may be appealed to the hearings examiner.
- B. The following decisions may be appealed to the City Council: (1) Shoreline master program permits; (2) SEPA decisions; (3) civil regulatory orders, and (4) civil fines. For all other decisions under this chapter, there is no appeal to any other decision maker within the city.
- C. All appeals are initiated by filing a notice of appeal with the director within fourteen days of issuance of the decision being appealed.
- D. The notice of appeal shall be in writing and contain the following information:
  - (1) Appellant's name, address and phone number;
  - (2) Appellant's statement describing his or other standing to appeal;
  - (3) Identification of the application which is the subject of the appeal;
  - (4) Appellant's statement of grounds for the 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 notice of appeal and believes the content to be true, followed by the appellant's signature.
- E. The notice of appeal shall be accompanied by an appeal fee as set forth in a fee schedule adopted by resolution.
- F. Appeals of civil regulatory orders and civil fines shall be heard de novo by the city council. All other appeals shall be closed record hearings before the city council.
- G. Notice of any appeal shall be given to those entitled to notice of the decision or determination being appealed.

(Ord. 2515 § 1 (Exh. A (part)), 2008)

(Ord. No. 2583, § I, 4-5-2010; Ord. No. 2612, § I(Exh. A), 2-7-2011)

**18.55.210 Reserved.**

**Editor's note—**

Ord. No. 2583, § II, adopted April 5, 2010, repealed § 18.55.210, which pertained to "Appeals— Type II, shoreline permit." See also the Code Comparative Table and Disposition List.

**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. 2515 § 1 (Exh. A (part)), 2008)

**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 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 shoreline permit decisions not requiring an open public hearing, a statement that the decision(s) is 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. 2515 § 1 (Exh. A (part)), 2008)

#### **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.
- D. The hearings examiner shall issue a decision on a request for reconsideration within forty-five (45) days of the filing of the request for reconsideration. When a request for reconsideration has been timely filed, any appeal to Clark County Superior Court under the Land Use Petition Act shall be filed within twenty-one (21) days after a hearings examiner issues its decision on the request for reconsideration.

(Ord. 2515 § 1 (Exh. A (part)), 2008)

(Ord. No. 2583, § III, 4-5-2010)

#### **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. 2515 § 1 (Exh. A (part)), 2008)

#### **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. 2515 § 1 (Exh. A (part)), 2008)

#### **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 the times established by CMC 17.09.040(A) and CMC 17.11.060(A).
  - 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).
  - E. Extensions: The Community Development Director may grant a request for an extension where a request is submitted prior to the expiration date of the decision and upon a demonstration that the extension is necessary due to unforeseen economic conditions and that no substantial changes in the code have occurred since the date the original application was deemed complete. An extension may be granted for a maximum of two years.

(Ord. 2515 § 1 (Exh. A (part)), 2008)

(Ord. No. 2612, § I(Exh. A), 2-7-2011; Ord. No. 2645, § III, 3-19-2012)

#### **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 Section 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 17.09.040 or 17.11.060 Expiration.
- C. An amended plat proposal shall be submitted on an application satisfying all the criteria of Section 17.09.030(B) or 17.11.030(B) Application of this code. 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. 2515 § 1 (Exh. A (part)), 2008)

(Ord. No. 2612, § I(Exh. A), 2-7-2011)

#### **18.55.280 Reserved 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. 2515 § 1 (Exh. A (part)), 2008)~~

#### **18.55.290 Minor amendments or modifications.**

Minor amendments are modifications to approved developments or permits as determined by the director. Minor amendments ~~are these may include~~ modifications which ~~may~~ affect the conditions of permit approval (e.g. correcting lot numbering errors), 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.