



## STAFF REPORT

# MINOR AMENDMENTS TO TITLE 17 LAND DEVELOPMENT OF CAMAS MUNICIPAL CODE

FILE# MC16-07

**To:** Mayor Higgins  
City Council

**FROM:** Sarah Fox, Senior Planner on behalf of the Planning Commission

**DATE:** May 9, 2017

**Public Hearing:** May 15, 2017

**NOTICES:** The Department of Commerce acknowledged receipt of the proposed amendments on April 11, 2017 (Material ID #23591). A State Environmental Policy Act (SEPA) determination of non-significance for a non-project actions was published on April 27, 2017 with a comment period ending on May 11, 2017. A comment from Joe Turner, the city's Hearings Examiner, was received at the writing of this report.

A notice for the public hearing was published in the Camas Post Record on May 4, 2017 (Legal publication #582185). The notice for the public hearing before Planning Commission was published on April 6, 2017 (Legal publication #580420).

### SUMMARY

As part of our periodic code update (similar to the Title 16 Environment code update), the proposed minor amendments to Title 17 Land Development of the Camas Municipal Code (CMC) include updates to clarify sections that may have been challenging to administer since the past review cycle, new additions and corrections or typos.

Planning Commission conducted a public hearing on April 18, 2017 and forwarded a recommendation of support with one objection. The objection was in regard to the amendment to prohibit the development of cul-de-sacs unless there are topographic or physical constraints (Refer to proposed Section 17.19.040(B)(10)(b)(ii)).

The proposed CMC amendments are provided along with a draft ordinance and resolution. Staff discussed the amendments at a workshop session before Council on May 1, 2017. Responses to two questions to staff are included within this report, along with responses to SEPA comments from Joe Turner, the city's Hearings Examiner (Turner) that were received prior to the writing of this report.

Staff has proposed amendments within the following sections of Title 17:

# Title 17 Land Development

## CHAPTER 17.01 GENERAL PROVISIONS

CMC17.01.050.B *Preliminary plats and preliminary short plats*- The survey content section of the code included language regarding statements and monumentation, which only applies to final plats and short plats, not preliminary plats or surveys. As such, the sections addressing statements and monumentation were relocated to CMC 17.21.060 *Final plat and short plat procedures for land divisions*.

## CHAPTER 17.07 BOUNDARY LINE ADJUSTMENTS

There was considerable discussion on the proposed changes to this section at the workshop before the Planning Commission and at the public hearing. Staff explained that there have been several Boundary Line Adjustment (BLA) applications that are proposed along unimproved streets. Some of those BLA applications included adjustments to property lines in order to avoid future street improvements.

For this reason, the proposed change provides staff a prompt to verify if the street is built to current standards, and if it isn't, then staff can evaluate whether the proposed adjustment would thwart future improvements. The proposed change to the current draft CMC removed the proportionality analysis requirement from the first draft. However, staff continues to recommend that the need for analysis of street dedication be added to this section.

Comment from Turner: No nexus or proportionality, since no increase in the number of lots or other transportation impacts.

Response: The amendment prompts an analysis by staff, and places the burden on staff, not the applicant.

Question from Council: At the workshop before Council, staff was asked whether the discretionary language of "numerous and frequent" at subsection "F" of Section 17.07.040 could be better defined.

*"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."*[Emphasis added]

Response: Staff discussed this question and considered options within the framework of boundary line adjustments as Type I permits, which do not require interpretation of policy or legal judgment in evaluating approval standards. A potential solution is proposed, which would amend the Purpose and Intent statement of the chapter to clarify that BLAs are typically an adjustment between two lots (See below). This amendment would provide for a level of comparison without creating a definition that could inadvertently affect other code sections.

### 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. A boundary line adjustment is generally between two lots.

## CHAPTER 17.09 SHORT SUBDIVISIONS

CMC17.09.040 *Expiration*- The amendment in this section includes removing the language regarding the expiration of short plats, which states "Effective until December 31, 2014." This date has passed and should be removed.

## CHAPTER 17.11 SUBDIVISIONS

CMC 17.11.060 *Expiration*- Amendments to this section include removing city council as the approval authority to extend timelines for phased development and allow applicants to revise an expired preliminary plat only pursuant to an approved phasing plan with specific timelines.

## CHAPTER 17.15 BINDING SITE PLAN (BSP)

CMC17.15.050 *Improvements*- The minor amendment to this section includes replacing the word "bonded" with "secured".

## CHAPTER 17.19 DESIGN AND IMPROVEMENT STANDARDS

**Building Envelopes.** The development code uses a measurement tool in single-family zones to analyze if there is adequate area for a residential structure, at CMC 17.19.030.D.3 *Building Envelopes*. Currently this section of code only defines what an adequate size building envelope should be in the single family residential zones, and does not have a standard for multifamily zones. This measurement tool is not a setback standard. The practical purpose is to determine during evaluation of proposed preliminary plats if there needs to be adjustments to a lot width or depth for the pie-shaped lots (or other odd-shaped lots) to accommodate at least a 40-foot by 40-foot building. The amendments to this section would define an adequate building envelope in multi-family zones.

**Double Frontage Lots.** A double-frontage lot is when a single row of lots has street frontage on both the front and the back of the lot. Currently the code does not allow this design of lots, unless it separates the subdivision from an arterial or collector road. That provision is not proposed to change. The provisions regarding the design of the double-frontage lots (when allowed) are discretionary and often must be clarified through SEPA mitigation measures (Refer to CMC 17.19.030.D.6 *Double Frontage Lots*). As such, staff has proposed to clarify the intent of the provisions and the design standards to avoid future misinterpretations, or SEPA mitigation. The intent is to safely separate the residential structures in the subdivision from arterial and

collector traffic, and to avoid creating an unattractive massing of tall buildings along that corridor, which negatively affects those traveling (walking, biking, or driving) on that roadway. Proposed amendments will clarify the standards for landscape buffers between the lot and the road. A new figure to this section of code is also proposed to graphically represent the design intent of the provisions.

Comment from Turner: 17.19.030.D.6.a "A ten foot landscaped tract is provided along the real property line to visually buffer the rear yards from public view and vehicular access." – Should this say "visually buffer the rear yards from public view and prevent vehicular access"?

Response: Staff concurs, and incorporated this change to the proposed amendments.

Comment from Turner: 17.19.030.D.6.a.ii. "The lot must provide pedestrian access to the sidewalk including vehicular access to a rear-loaded garage is required."

- Pedestrian access to WHICH sidewalk? - Only for lots with front yard abutting an arterial? Not clear from the language used.
- Rear-loaded garage requirement only for lots with front yard abutting an arterial? Not clear from the language used.

Response: Staff concurs, and added the words "collector and arterial" to subsection "a.ii". As to the second part of this question, this section of code is only addressing double-frontage lots that are along an arterial or collector, not standard lots elsewhere.

Comment from Turner: 17.19.030.D.6.b - Side and rear building? facades visible from an arterial or collector...?- Avoid large blank walls on side and rear building facades.

Response: Staff concurs, and incorporated the word "building" before the word "facades" throughout this section.

**Tracts and Trails.** The code currently references trails to be 15-feet wide at CMC 17.19.030.E Tracts and Trails. This language is in conflict with the 2014 Parks, Recreation and Open Space (PROS) Comprehensive Plan, which includes trail standards for different trail types. Staff proposes a change to match the standards of the PROS plan.

**CMC 17.19.030.F Landscaping.** The development community has expressed concern that if street trees are installed prior to construction of homes they could be damaged by the home building construction equipment. The proposed amendments to this section include removing the current language that requires the installation or bonding of trees prior to final plat approval but rather require the developer to a) install the trees adjacent to or within common areas and landscape tracts prior to final acceptance and b) install trees adjacent to individual lots prior to final occupancy or install and bond prior to expiration of the two-year warranty period.

**CMC 17.19.040.B.6 Extension.** The amendments to this section are to incorporate Comprehensive Plan Policy LU-3.3 *Encourage connectivity between neighborhoods (vehicular and pedestrian) to support citywide connectivity and pedestrian access.*

Comment from Turner: 17.19.040.B.6.a "Where appropriate, streets and pedestrian/bicycle paths 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 vehicular and pedestrian circulation

whenever practical. Where platted streets touch, they shall connect and show extension to adjoining streets."

- What is "appropriate"? – Extension not precluded by existing development or critical areas?
- "Where platted streets **touch**, they shall connect and show extension to adjoining streets." – Touch what? The boundaries of the site?
- What about where existing pedestrian/bicycle paths touch, should extension also be required?

Response: The amendment originally proposed to add only "pedestrian/bicycle paths" to this section. The provisions that Mr. Turner highlighted is current language and was not proposed to change. However, upon further analysis, Staff concurs that the current language is not clear and has proposed the following additional amendment.

17.19.040.B.6.a "~~Where appropriate, s~~Streets and pedestrian/bicycle paths shall be extended to the boundaries of the plat to ensure access to neighboring properties, unless the presence of critical areas render such extension infeasible. The city's goal is design shall contribute to to have an integrated system of ~~local streets~~ vehicular and pedestrian circulation ~~whenever practical. Where platted streets touch, they shall connect and show extension to adjoining streets.~~"

**CMC 17.19.040.B.10 Street Layout.** The proposed additions to this section are in response to the Hearings Examiner's comment that our current cross circulation standards are very subjective, and therefore ineffective. The proposed amendments include a requirement to submit a circulation plan that includes features such as topography, environmental sensitive lands, existing and proposed streets/bicycle and pedestrian pathways/trails/transit, etc. Further, the proposed amendments in this section also incorporates two comprehensive plan policies, of Camas 2035. Comprehensive Plan Policy T-1.3: *Construct streets that are interconnected and avoid long cul-de-sacs or dead ends. Block lengths should be less than 1,000 feet* and Comprehensive Plan Policy T-2.3: *Include pedestrian and bicycle linkages in the construction of cul-de-sacs and other forms of dead-end streets. Existing dead end streets should be retrofitted to provide bicycle and pedestrian linkages as practicable.*

The presentation to the Planning Commission included examples of long cul-de-sacs that have been designed in recent preliminary plats, in absence of a cross circulation standard. Staff also explained that the steep terrain of Camas makes emergency response difficult (or impossible) when there is only one long roadway to a group of homes, particularly during ice storm events. The proposed amendment is consistent with the engineering Design Standard Manual<sup>1</sup> for access spacing by roadway class as adopted within the Transportation Impact Fee studies.

**CMC 17.19.040.B.11 Access Management.** The proposed amendment in this section includes removing language that is already addressed in CMC 17.19.030.D.6 *Double Frontage Lots*.

**Question from Council:** At the workshop before Council, staff was asked whether the intersection spacing requirements applied to private streets.

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<sup>1</sup> The Design Standard Manual is updated periodically, and will include a table with the access spacing standards for easier reference, then locating the standard within the TIF studies.

Response: Intersection spacing standards apply to private roads, driveways, alleys and any roadway type that intersects with a public road. Also, private roads are more restricted than public roads and are only allowed in limited circumstances (Refer to CMC17.19.040 A).

## CHAPTER 17.21 PROCEDURES FOR PUBLIC IMPROVEMENTS

**CMC 17.21.040 Improvement Agreements.** The current language allows for applicants to bond for all improvements prior to final plat approval. The proposed amendment requires the applicant to complete all the improvements prior to final plat approval unless there is an extenuating circumstance or other factors beyond their control.

**CMC 17.21.050 Financial security agreement.** Proposed amendments to this section include removing the term “bond” to “financial security”, since there are other financial security options other than just bonds. Another change to this section is listing the types of financial securities in order of priority. Further, the amount of financial security proposed increased to ensure the City is covered if the developer is unable to complete the work.

**CMC 17.21.060 Final plat or short plat procedures for land divisions.** As discussed above under Chapter 17.01 General Provisions, a new section was added for the inclusion of statements and monumentation under contents for a final plat or short plat.

## CHAPTER 17.23 EXCEPTIONS, PENALTIES, SEVERABILITY, LIABILITY

**CMC 17.23.010 Exception Criteria.** The proposed amendment to this section includes using a gender neutral term by replacing the word “his” with “the applicant’s”.

## RECOMMENDATION

Staff recommends that Council conduct a public hearing, deliberate, and move to recommend approval of the amendments to Title 17 Land Development.

An ordinance and a resolution were prepared consistent with the proposal.