



CITY OF CAMAS STAFF REPORT

To: City Council
From: Robert Maul, Planning Manager
Date: March 21st, 2016
Proceeding Type: Action
Subject: Clearing and Grading Ordinance

Legislative History:

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| • PC Public Hearing: | January 27 th , 2016 |
| • City Council Workshop: | February 16 th , 2016 |
| • City Council Public Hearing: | March 7 th , 2016 |
| • City Council Action: | March 21 st , 2016 |
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Background:

The Camas Municipal Code (CMC) currently has general provisions regarding ground disturbing activities tied to grading and construction. However, there isn't a dedicated chapter for an all-inclusive section on clearing and grading activities if pursued as a stand-alone action. For example, Title 14 has a chapter for Erosion and Sediment Control, which is applicable to all site development within the city and does a good job on providing specific parameters on implementing erosion control measures. Titles 15 (Building and Construction), 16 (Environment), 17 (Land Development), and 18 (Zoning) all have various elements that touch on ground disturbing activities and mitigation, but there isn't anything that deals with specific grading only requests with great clarity. Staff's effort with this draft code section will be to centralize and consolidate regulatory framework and provisions in one chapter for all grading and clearing activities.

It is a relatively common practice in the development community to seek grading only permits to prep a site for anticipated construction activities. Those grading and clearing activities are still subject to all provisions of the CMC, but there is less clarity on how to best process and address those activities independent of the development review process. Many communities have a

whole chapter dedicated to clearing and grading activities, which is what staff is proposing. It helps centralize and consolidate all development triggers, mitigation measures, and review criteria to not only help staff, but provide certainty for the development community as well.

The proposed code section would be added as a new chapter to Title 15 and would be administered by engineering and community development staff.

A public hearing was conducted with the Planning Commission on January 27th, 2016. No public testimony was taken. The Planning Commission unanimously recommended approval to the City Council with some minor edits, which are contained in the packet.

Prior to the City Council public hearing, two comment letters were received by the city regarding this ordinance. The Cowlitz tribe wanted to make sure inadvertent discovery language was included. Pursuant to CMC 16.31, inadvertent discovery language is already addressed in the City Code. The second letter, from the Washington State Department of Ecology had five suggestions. They are as follows:

- Section 15.50.040(C) of the proposed code states, in part: “Fill and/or excavation of one-hundred (500) cubic yards or more, even if excavated ...” Ecology recommends that the city clarify whether this section means 100 or 500 cubic yards. **Staff has corrected to reference 500 cubic yards.**
- Section 15.50.040(G) of the proposed code states: “Retaining walls over four (4) feet in height as measured from the bottom of the base rock or block, or as identified by an engineer as having loads under 4’.” Ecology recommends that the city clarify the phrase “having loads under 4’.” **Having loads under 4’ was a recommendation from the Planning Commission.**
- Section 15.50.050(B)(1) of the proposed code states, in part: “Activities needed to place building foundations and retaining walls requiring an approval ...” Ecology recommends that the city clarify what type of approval is meant. **This is in reference to a building permit approval, which staff believes is clear in the subsection referenced.**
- Section 15.50.050(B)(1) of the proposed code states, in part: “Land clearing, grading, filling, sandbagging, diking, ditching or similar work during or after periods of extreme weather ...” Ecology recommends that the city define the limits of “after” extreme weather or emergency conditions. **As staff indicated in the public hearing with Council, it can be difficult to define “after” since weather conditions are highly variable. As currently written, staff feels this provides guidance and necessary flexibility during such events.**
- Section 15.50.050(B)(10) of the proposed code, the city may want to consider requiring that the status of “diseased tree” be determined by a certified arborist. **This reference has been added.**

Recommendation:

Staff recommends that the City Council adopt Ordinance 16-003.