



NOTICE OF DECISION
FRANKLIN DUPLEX SOUTH
FILE NO. CUP17-02

DECISION ISSUED: April 28, 2017

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APPLICANT: Timber Grove, LLC
1625 NW Ivy Street
Camas, WA 98607

LOCATION: The site is located at 4033 NE Franklin Street, Camas, which is also described as Tax Parcel #178207-000.

THIS IS TO SERVE AS NOTICE that a decision of APPROVAL has been rendered for a Conditional Use Application for **Franklin Duplex South** (City file #CUP17-02). The approval will allow the applicant to construct a duplex residential structure on a single family lot.

The decision includes the conditions of approval, which are included at the end of the attached Final Order of the city's hearings examiner. Unless otherwise waived or modified in the decision, the development must comply with the minimum requirements of Camas Municipal Code (CMC).

Reconsideration (Refer to CMC§18.55.235)

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.

Judicial appeals (Refer to CMC§18.55.240)

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.

**BEFORE THE LAND USE HEARINGS EXAMINER
FOR THE CITY OF CAMAS, WASHINGTON**

Regarding an application by Timber Grove, LLC for)	<u>FINAL ORDER</u>
conditional use permit approval to construct a duplex)	
residence in a single-family residential zone at 4033)	CUP17-02
NE Franklin Street, in the City of Camas, Washington)	(Franklin Duplex South)

A. SUMMARY

1. The applicant, Timber Grove, LLC, requests Conditional Use Permit ("CUP") approval to build a duplex residence in a single-family residential zone. The duplex is proposed on a 9,899 square foot parcel located at 4033 NE Franklin Street; also known as tax account no. 178207-000 (the "site"). The site is currently vacant. The site and surrounding properties are zoned R-7.5 (Single-Family Medium, 7,500 square foot minimum lot size). The existing homes along NE Franklin Street include a mix of ranch and two-story homes, generally built in the 1950's and 60's. There is a newer subdivision, Lacamas Pointe, to the rear of the property with a similar mix of single- and two-story homes that were built within the last six years. There is an existing duplex located at the north end of NE Franklin Street, otherwise there are no other existing duplexes in the vicinity. However the same applicant is proposing another duplex residence on the abutting property to the south of the site, CUP17-01 (Franklin Duplex North). Additional basic facts about the site and surrounding land and applicable approval standards are provided in the Staff Report to the Hearing Examiner dated March 22, 2017 (the "Staff Report").

2. City staff recommended that the examiner approve the application subject to conditions in the Staff Report. The applicant accepted those findings and conditions without exceptions. One person testified in writing in opposition to the application. Contested issues in the case include the following:

a. Whether proposed use will "[b]e materially detrimental to the public welfare, or injurious to the property or improvements in the vicinity of the proposed use, or in the district in which the subject property is situated, Camas Municipal Code ("CMC") §18.43.050.A; and

b. Whether the two duplex structures proposed in this application and in CUP17-01 (Franklin Duplex North) exceed the maximum density allowed by the R-7.5 zone.

3. Based on the findings provided or incorporated herein, the examiner approves the applications subject to the conditions at the conclusion of this final order.

B. HEARING AND RECORD HIGHLIGHTS

1. The examiner received testimony at a public hearing about this application on April 4, 2017. All exhibits and records of testimony are filed at the City of Camas. At the beginning of the hearing, the examiner described how the hearing would be conducted and how interested persons could participate. The examiner disclaimed any *ex parte* contacts, bias or conflicts of interest. The following is a summary by the examiner of selected testimony and evidence offered at the public hearing.

2. City planner Sarah Fox summarized the Staff Report.

a. She noted that the proposed design of the duplex structure, with the garage doors encompass the entire front façade of the structure and no visible doors or windows into the living areas of the residence, is not compatible with existing homes in the area. The applicant should be required to redesign the structure to reduce the visual dominance of the garage doors.

b. She opined that the proposed duplex, as conditioned, "[w]ill not be materially detrimental to the public welfare, or injurious to the property or improvements in the vicinity of the ..." site. CMC 18.43.050.A. As conditioned, the design of the proposed duplex structure will be visually similar to existing residences in the area.

3. Engineer Joel Stirling appeared on behalf of the applicant, Timber Grove, LLC. He accepted the findings and conditions in the Staff Report without exception.

4. Mathew Huang testified in writing. He argued that the duplex proposed in this application combined with the second duplex proposed on the abutting property to the south, CUP17-01 (Franklin Duplex North), will exceed the maximum density of the R-7.5 zone. The R-7.5 zone allows densities between 5 and 6 dwellings per acre. The two proposed duplex structures will create four dwelling units on a combined total 0.47 acres, which results in a density of 8.5 units/acre.

5. At the end of the hearing the examiner closed the record and announced his intention to approve the application subject to recommended conditions.

C. DISCUSSION

1. City staff recommended approval of the application, based on the affirmative findings and subject to conditions of approval in the Staff Report. The applicant accepted those findings and conditions, with one exception.

2. The examiner concludes that the affirmative findings in the Staff Report show that the proposed duplex does or can comply with the applicable standards for a Conditional Use Permit review, provided that the applicant complies with recommended conditions of approval. The examiner adopts the affirmative findings in the Staff Report as his own, except to the extent they are inconsistent with the following findings.

3. CMC 18.43.050.A requires the examiner find, "The proposed use will not be materially detrimental to the public welfare, or injurious to the property or improvements in the vicinity of the proposed use, or in the district in which the subject property is situated." Staff's finding that duplexes are allowed as a conditional use in the R-zones is not responsive to this criterion. The examiner finds that the proposed duplex complies with this criterion, because the structure, as conditioned, will be designed consistent with the existing residences in the area, with a clearly visible front entrance and visually subordinate garage doors. The proposed residential use is consistent with the existing residential uses in the area.

4. The examiner finds that the proposed development will not exceed the allowed density in the R-7.5 zone. Duplex dwellings are permitted as a conditional use in the R-7.5 zone. See CMC 18.07.040 - Table 2. The applicant proposed to develop the duplex structure on an existing lot. No land division is proposed and the proposed development will not increase the number of lots in the area. Therefore this development will not alter the existing density.

D. CONCLUSION

Based on the above findings and discussion provided or incorporated herein, the examiner concludes that CUP17-02 (Franklin Duplex South) should be approved, because it does or can comply with the applicable standards of the Camas Municipal Code, the Revised Code of the State of Washington.

E. DECISION

Based on the findings, discussion, and conclusions provided or incorporated herein and the public record in this case, the examiner hereby approves CUP17-02 (Franklin Duplex South), subject to the following conditions of approval:

CONDITIONS OF APPROVAL (CUP17-02)

1. Stormwater treatment, including phosphorous removal, and detention facilities shall be designed in accordance with the 2014 Stormwater Management Manual for Western Washington and the Camas Stormwater Design Standards Manual, if triggered under said manuals (e.g. over 5,000 sq. ft. of impervious surface). Final stormwater calculations shall be submitted at the time of final construction plan submittal.
2. All construction plans for work in the right of way will be prepared in accordance with City Design Standards Manual and City Standards. The plans will be prepared by a licensed civil engineer in Washington State and submitted to the City for review and approval.
3. Underground (natural gas, CATV, power, street light and telephone) utility plans shall be submitted to the City for review and approval prior to approval of the construction plans.
4. A 3% construction plan review and inspection fee shall be required for all civil site work in this development. The fee will be based on an engineer's estimate or construction bid. The specific estimate will be submitted to the City for review and approval. The fee will be paid prior to the construction plans being signed and released to the applicant. Under no circumstances will the applicant be allowed to begin construction prior to approval of the construction plans.
5. The applicant shall remove all temporary erosion prevention and sediment control measures from the site at the end of the two-year warranty period, unless otherwise directed by the Public Works Director.
6. Final as-built construction drawing submittals shall meet the requirements of the CMC 17.11.060, CMC 17.01.050 and the Camas Design Standards Manual for engineering as-built submittals.
7. The applicant shall dedicate 26 feet from the existing center line of the street right-of-way Per CMC 17.19.040 (B).
8. The applicant will be required to pave an additional 8' width for on-street parking.
9. The applicant shall construct a 5' wide hard surface path that is ADA compliant. Path edge closest to centerline will be located 3' from the edge of the paved on-street parking area. Final design must be approved by the City Engineer.
10. The applicant shall revise the site plan drawings to illustrate the location of the minimum setback standards per CMC18.09.040 Table 2, and to include the front setback exception standard for sloping lots per CMC18.09.130. **The front structure setback is 18-feet, the side setback is 5-feet and the rear setback is 25-feet. The maximum lot coverage is 40%.**
11. The design of the duplex will be revised to adjust the amount of garage frontage to be no greater than 50% of the total lineal feet of the front building face. The entrance of the residence will be either forward of the front face of the garage or flush with the garage and distinguished with architectural elements (e.g. covered porch, pillars).
12. A landscaping plan must be provided no later than building plan submittal, and approved by the Planning Division prior to commencement of site construction.
 - a. A landscaping plan must include trees (minimum 2" caliper) and shrubs (minimum five gallon) within the front yard.
 - b. Trees shall not be planted within two feet of any permanent hard surface paving or walkway, or ten feet from private driveways. The applicant could provide an alternative to the concrete walkway by using permeable surfaces, pavers or a narrower, meandering pathway.
13. The approved landscaping shall be maintained in a manner as to ensure plant survival for three years after installation. A watering system shall be required. If plantings fail to survive, they must be replaced promptly.
14. Landscaping and watering system shall be installed consistent with the approved final landscaping plan prior to receiving final occupancy permits from the Building Division.
15. This permit shall expire in two years of the date of the final decision per CMC§ 18.55.260, if no building plans are submitted.

DATED this 28th day of April 2017.

for Turner
Joe Turner, AICP
City of Camas Land Use Hearings Examiner

Note: The site plan (below) will change based on the required conditions of this decision.

