



Community Development Department
616 NE 4th Ave. | Camas, WA 98607

NOTICE OF DECISION

11TH AVENUE DUPLEX (FILE NO. CUP18-01 AND DR18-09)

DECISION ISSUED: February 14, 2019

STAFF CONTACT: Sarah Fox, Senior Planner
Phone: (360) 817-1568
Email: communitydevelopment@cityofcamas.us

APPLICANT: Gary Darling, Contact Marketing

LOCATION: The site is located at 133 NW 11th Avenue; also known as tax account #80121-000

THIS IS TO SERVE AS NOTICE that a decision of APPROVAL has been rendered for a Conditional Use and Design Review Application for **11th Avenue Duplex**. The approval will allow the applicant to construct a duplex residential structure on a single family lot. The decision includes conditions of approval, which are included at the end of the attached Final Order of the city's hearings examiner.

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.

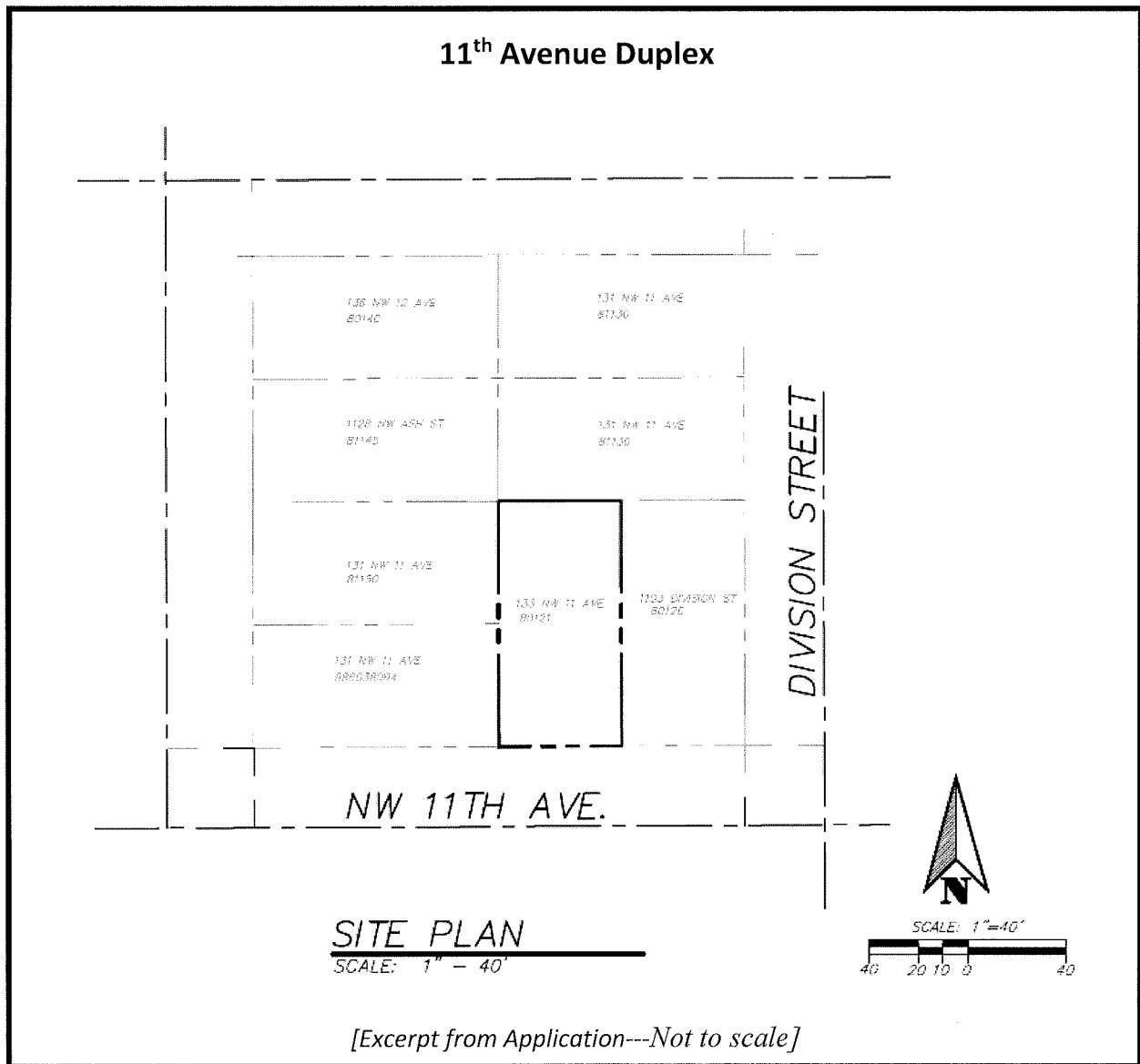
C. The hearings examiner may, after review of the materials submitted in conjunction with the reconsideration request, and review of the open record hearing transcript, take further action as he or she deems proper; including, but not limited to, denying the request, modifying the decision, or affirming 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 Gary Darling for a conditional)	<u>FINAL ORDER</u>
use permit and design review approval to construct a)	
duplex residence in a single-family residential zone at)	CUP18-01/DR18-09
133 NW 11 th Avenue, in the City of Camas, Washington)	(11th Avenue Duplex)

A. SUMMARY

1. The applicant, Gary Darling, Contact Marketing, requests Conditional Use Permit ("CUP") and Design Review ("DR") approval to build a duplex residence in a single-family residential zone. The duplex is proposed on a 4,994 square foot parcel located at 133 NW 11th Avenue; also known as tax account #80121-000 (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 in the surrounding area include a mix of single-family, duplex, and four-plex structures with a variety of styles, sizes and designs. Additional basic facts about the site and surrounding land and applicable approval standards are provided in the Staff Report to the Hearing Examiner dated December 31, 2018 (the "Staff Report").

2. City staff recommended that the examiner approve the application subject to conditions in the Staff Report, as amended by Exhibit 1. The applicant accepted those findings and conditions, as amended, without exceptions. No one else testified orally or in writing.

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 January 17, 2019. 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 and the proposed conditions of approval from the City's Design Review Committee, Exhibit 1. She noted that the City mailed notices of the proposed development to the owners of surrounding properties and posted a sign on the site. No written or oral comments or queries were received in response to the notices. The proposed structure will comply with the

dimensional requirements of the R1-7.5 zone, including setbacks and building height. The surrounding neighborhood contains a wide variety of building designs, styles, and sizes.

3. The applicant, Gary Darling, accepted the findings and conditions in the Staff Report, as amended, without exception. He noted that the proposed development meets or exceeds all applicable approval criteria. The proposed duplex will replace an existing long vacant lot with a new duplex residence that is designed to blend with the neighborhood.

4. No one else testified at the hearing. The examiner closed the record and announced his intention to approve the application subject to recommended conditions, as amended by Exhibit 1.

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 as amended by Exhibit 1. The applicant accepted those findings and conditions, as amended, without exceptions.

2. The Examiner finds that the Staff Report identifies all of the applicable approval standards for the application and contains sufficient findings showing the application does or can comply with those standards subject to conditions of approval. These findings were not disputed and are supported by substantial evidence in the record. The Examiner adopts the findings in the Staff Report, as amended, as his own.

D. CONCLUSION

Based on the above findings and discussion provided or incorporated herein, the examiner concludes that CUP18-01/DR18-09 (11th Avenue Duplex) 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

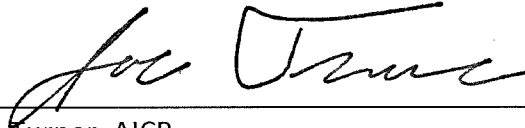
Based on the findings, discussion, and conclusions provided or incorporated herein and the public record in this case, the examiner hereby approves CUP18-01/DR18-09 (11th Avenue Duplex), subject to the following conditions of approval:

CONDITIONS OF APPROVAL

1. Site improvement plans for work within the right-of-way; street, water, sanitary sewer and stormwater improvements shall be prepared in accordance with Camas Design Standards Manual (CDSM) and City Standards.
2. The plans shall be prepared by a licensed civil engineer in Washington State and submitted to the City's Engineering Department for review and approval.
3. A 3% construction plan review and inspection fee shall be required for all civil site work for this development. The fee will be based on an engineer's estimate or construction bid. The specific estimate will be submitted to the City's Engineering Department for review and approval. The fee shall 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.
4. Any existing wells and septic tanks and septic drain fields shall be abandoned in accordance with state and county guide lines regardless of lots or properties served by such utility, per CMC 17.19.020.
5. Regulations for installation of public improvements, improvement agreements, bonding, final platting, and final acceptance shall be found in CMC 17.21.
6. In the event that any item of archaeological interest is uncovered during the course of a permitted ground disturbing action or activity, all ground disturbing activities shall immediately cease and the applicant shall notify the Public Works Department and DAHP.
7. The applicant shall remove all temporary erosion prevention and sediment control measures from the site at completion of all site improvements, including stabilization of all disturbed soil, unless otherwise directed by the Public Works Director.
8. Final as-built construction drawing submittals shall meet the requirements of CMC 17.01.050 and the Camas Design Standards Manual (CDSM) for engineering as-built submittals.
9. The applicant shall construct a 5-foot wide hard surface sidewalk that is ADA compliant. Sidewalk shall be detached in order to allow for a planter strip.
10. A shared driveway access shall be constructed to serve both sides of the duplex. Driveway throat shall not exceed 40-percent of the total lot frontage.
11. Road surface restoration for utility cuts shall be per Camas Design Standards Manual, General Detail G2 which requires: Surface restoration for longitudinal trench cuts to be full lane width with 2- inch grind and inlay and for transverse trench cuts to be 12-feet on each side of trench with a full width 2-inch grind and inlay.

12. A revised landscaping plan must be provided no later than building plan submittal, and approved by the Planning Division prior to commencement of site construction. *The landscape plan will include an irrigation plan, and will group the front yard plantings as required per CMC§18.13.055.*
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. The applicant shall revise the building design to comply with the requirements of the City's Design Review Committee:
 - a. Provide a railing at the deck on the second level to better articulate the front façade;
 - b. Provide one window panel on garage door as shown on the elevation drawing; and
 - c. If fencing is proposed, it must be incorporated into the landscaping to have little or no visual impact.
16. 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 14th day of February 2019.



Joe Turner, AICP

City of Camas Land Use Hearings Examiner

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