



January 3, 2020

To: Kalama Planning Commission
From: John Floyd, Mackenzie, Consulting City Planner
Re: Land Use Process Municipal Code Update Project

SUMMARY

The Planning Commission is asked to review and make a recommendation to the Kalama City Council regarding the adoption of proposed amendments to the Kalama Municipal Code (KMC) to establish a new Site Plan Review process and related amendments.

POSSIBLE ACTIONS

1. Recommend the City Council approve the ordinance, as proposed.
2. Recommend the City Council approve the ordinance, with specified changes.
3. Recommend the City Council deny the ordinance.
4. Continue the hearing to a future date to obtain additional information or to consider information presented by staff or testifying parties.

STAFF RECOMMENDATION

Recommend that the Planning Commission consider the proposed ordinance and any testimony received and make a recommendation of approval to the City Council.

PUBLIC NOTICE

A notice of the hearing was published in the Daily News on December 19, 2019.

SEPA

A non-project action SEPA DNS was issued on December 17, 2019. The comment period ends on January 9, 2020. No comments have been received as of the date of this report.

BACKGROUND

Kalama is seeing an increase in development activity that is exposing gaps in current development regulations contained with the Kalama Zoning Code. More specifically, the current

development code (Title 17) lacks a land use approval process for projects that do not involve a subdivision or conditional use review. This lack of a process is resulting in inefficiencies for all involved parties (applicants, city staff, and potentially affected parties) and may be slowing economic development.

In Kalama, land use review is limited to Conditional Use and SEPA. If one of these processes is not required, the applicant may proceed directly to building permit and/or engineering review with no requirement for public notification or comment. These existing processes are not perfect in that there is not a modification process for an existing conditional use, which has recently created issues for the school district as they work through engineering and financial challenges on a rapid timetable. SEPA provides some ability to condition a development, but only for environmental impacts. SEPA is not a tool for conditioning community standards or implementing the vision for a community and does not have a clear vesting standard.

The common tool used by most cities and counties to review new development is known as a Site Plan Review process. This type of review is normally applicable to commercial and larger residential development where a preliminary review and the opportunity for public comment is desirable. This lack of such a process in Kalama confuses applicants who must either informally negotiate preliminary plans with the city, or commit time and resources to developing building/engineering applications without a formal mechanism for the review and approval of preliminary plans. Proceeding straight to building/engineering review may not be efficient when modifications are required to comply with minimum zoning standards or other land use codes. By that point, the applicant has already developed construction documents based on assumptions that may not be correct, and having to change at the last minute carries financial risk for the applicant and an inefficient use of city staff time.

The lack of a process also creates confusion when multiple minor permits are required (e.g. a critical areas review and boundary line adjustment) and there is not clear “roadmap” or coordinating process through which all required permits can be jointly reviewed as a whole. Addressing these issues would further the city’s economic develop goals as well as increase the efficiency of city staff time and making the process more accessible to its citizenry.

As a result of these known issues, the Planning Commission was tasked by Council to work on a package of code amendments to address the issues described above. The Planning Commission took up this work between July and November 2019, whereupon draft amendments were developed for formal consideration and recommendation to the City Council.

RECOMMENDED AMENDMENTS

The recommended text amendments contained in Exhibit “A” propose a new Site Plan Review chapter within the Kalama Zoning Code (Title 17), and related amendments to the following chapters. A more detailed discussion of select changes follows later in this report.

- Chapter 1.01 – Code Adoption
- Chapter 14.18 – Erosion Control
- Chapter 15.10 – Project Permit Review
- Chapter 17.08 – Definitions
- Chapter 17.20 – Estate Lot Floating Zone
- Chapter 17.25 – Mixed Use Zoning District
- Chapter 17.28 – Industrial Use District



- Chapter 17.50 – Site Plan Review (new)
- Chapter 17.54 – Conditional Use

CREATION OF KMC 17.50 – SITE PLAN REVIEW

The core of the draft text amendments is a new chapter preliminary titled KMC 17.50 – Site Plan Review. Similar to the Conditional Uses (KMC 17.54), this new chapter establishes the purpose of site plan review, exemptions and applicability, review procedures, approval criteria, submittal requirements, and post-decision modification procedures.

As proposed, site plan review would be required for new development that increases impervious surface area by five thousand square feet or more; changes existing impervious surface areas affecting five thousand square feet or more; results in the removal or fill of five hundred cubic yards or more of material; or results in filling operations with a depth of more than four feet.

Concurrent with these development thresholds are a list of specific exemptions to ensure that minor and routine construction within the city is not unnecessarily time or resource burdened. Exemptions would be contained within KMC 17.50.020(B) and include, but are not limited to, the following:

- Single-family dwellings, townhouses, duplexes, triplexes, fourplexes, and accessory structures up to five thousand square feet of impervious surface;
- Manufactured homes;
- Adult family homes;
- Home occupations;
- Building permits for interior remodeling and tenant improvements;
- Normal or emergency repair or maintenance;
- Activities that create or alter fewer than five thousand square feet of new, replaced, or a combination of new and replaced impervious surface;
- Grading activities of no more than five hundred cubic yards of material for removal or fill in a twelve-month period;
- Grading activities that do not result in filling operations with a depth of more than four feet;
- On-site utility permits, e.g., sewer hook-ups, water hook-ups;
- Signs;
- Municipal improvements, public utilities and utility structures; and
- Home gardens and gardening of vacant land including community gardens.

Should a project exceed the thresholds above and not be eligible for an exemption, the applicant would be required to submit the specified list of materials and demonstrate compliance with the approval criteria to the satisfaction of the City Administrator (KMC 17.50.040-050). Proposed approval criteria include the following:



- The proposal is consistent with the applicable approval criteria and development regulations of KMC Title 17, Zoning and KMC Title 15, Environment;
- The proposal is suitable for the site considering size, shape, location, topography, existence of improvements, natural features, and the intended development pattern of the surrounding properties;
- If the proposal will result in additional traffic, the proposal demonstrates that adequate transportation systems, public facilities and services exist or are planned for the area affected by the use. The additional traffic must not diminish intersection Level of Service (LOS) below LOS D for signalized intersections or LOS E for unsignalized intersections;
- The proposal complies with the site plan review procedural requirements; and
- The proposal does not have significant adverse environmental impacts on-site or on adjacent properties that cannot be mitigated through conditions of approval applied through the environmental review processes of KMC Title 15, Environment.

If approved, the permit would be valid for a period of four years with an option for a one-year extension (KMC 17.50.070). Should changes to the project design be necessary, a new Post-Decision Review process (KMC 17.50.080) would allow minor changes to the approved design without making the applicant repeat the process in its entirety.

CHANGES TO KMC 15.10 – PROJECT PERMIT REVIEW

The KMC currently places process requirements for permit review in KMC 15.10 (Project Permit Review). Updates to this chapter are proposed to both integrate the new Site Plan Review process as well as address a number of known deficiencies. These changes include the following:

- Minor text changes for clarity and to strengthen cross references.
- Creation of KMC 15.10.030(B) to establish a consolidated permit review process for projects requiring two or more permits or approvals from the city.
- Creation of KMC 15.10.035 to establish uniform requirements and procedures for pre-application conferences.
- Creation of KMC 15.10.045 to clarify how the City Administrator is to review project permit applications, how and when the administrator may add conditions of approvals or deny an application, and minimum contents of a final decision.
- Changes to KMC 15.10.070 to expand minimum content requirements for Notices of Application, and require the mailing of notices to all property owners within 300 feet of the project site.



CHANGES TO KMC 17.28 – INDUSTRIAL USE DISTRICT

While not directly related to the Site Plan Review process, staff is recommending the replacement of map contained within Figure 17.28.020-1 as part of the code amendment package. Presently, this figure outlines a portion of industrially owned land within the Port of Kalama where lodging, restaurants and retail facilities are specifically permitted per KMC 17.28.020(A)(11). Replacement of this figure is recommended as the currently adopted map is difficult to read and may result in confusion or clerical errors. As a result, staff is recommending the adoption of a new map that more clearly shows boundaries and street names. No change in boundaries would result as part of this change.

CHANGES TO KMC 17.54 – CONDITIONAL USES

As previously noted in this report, the KMC does not have a process or criteria for the modification of an approved conditional use permit. This gap in the KMC was most recently illustrated with the Kalama School District was forced to modify its approval to construct approved campus improvements in phases, rather than all at once as approved by the Hearings Examiner. To avoid future administrative difficulties and reduce unreasonable burdens on applicants, staff recommends the inclusion of language within KMC 17.54 (Conditional uses) to adopt a procedure substantially similar to that recommended for Site Plan Review. This process would allow post-decision modifications that do not substantially alter the project or increase potential adverse impacts upon neighboring properties or city infrastructure. To qualify for post decision review, all of the following criteria would have to be met:

- Does not increase the potential adverse impact of the development authorized by the conditional use permit or request modification of conditions imposed to address potential impacts; and
- Is consistent with the applicable law or variations permitted by law, including a permit to which the development is subject; and
- Does not involve an issue of broad public interest, based on the record of the decision; and
- Does not require additional SEPA review.

Projects not meeting the above criteria would be reviewed as a new application.

CONSISTENCY WITH COMPREHENSIVE PLAN

The proposed text amendments advance multiple goals and policies outlined in the Comprehensive Plan. These include, but are not limited to, the following:

- *General Goal 1: Encourage a pattern of community development in concert with the land's capability to support such development, to avoid hazard areas and preserve unique natural and scenic areas.*
- *Environmental Goal 8: Encourage economic enterprises that will support and enhance the community and will result in minimal environmental impact.*
- *Environmental Policy 4: Actively work with property owners before development applications are submitted to seek solutions to site specific issues and address potential environmental constraints early in the process.*



- Land Use Goal 1: Promote the health, safety and welfare of the residents of Kalama through the encouragement of sound growth and development of residential, commercial, industrial and recreation/open space areas.
- Land Use Goal 2: Promote new residential development that is appropriate in type and density considering existing land use patterns, capacities of public facilities, natural characteristics of the land and the general public interest.
- Land Use Goal 3: Actively plan and guide anticipated growth by seeking full utilization of existing land.
- Land use Goal 5: Maintain and enhance the sense of place and small-town atmosphere that helps to define Kalama and makes it a desirable place to live.
- Land Development Goal 1: Maintain and enhance the sense of place and small-town atmosphere that helps to define Kalama and makes it a desirable place to live.
- Land Development Goal 3: Encourage the orderly, efficient and beneficial development of lands within the city (including individual lots), while preventing an overload on existing infrastructure and services.
- Land Development Policy 3: Review and update as necessary the subdivision code and other standards to ensure that they allow for and promote innovative land development techniques.
- Land Development Policy 7: Ensure that future traffic circulation patterns are maintained or enhanced during preliminary plat and site plan review.
- Urban Growth Policy 1: Review and revise where necessary the zoning ordinance, zoning classifications and the subdivision ordinance, following adoption of the comprehensive plan.
- Housing Policy 1: Encourage new housing on vacant land within the city limits to utilize streets and urban services already in place.
- Housing Policy 9: Encourage in-fill development including small-lot development in existing residential neighborhoods.
- Transportation Goal 6: Develop a level of service (LOS) standard.
- Economic & Commercial Goal 3: Work to improve level of commercial and industrial and service activities in the city.

List of Exhibits

- A. Proposed Text Amendments
- B. SEPA Determination of Non- Significance (DNS)
- C. SEPA Environmental Checklist

