

ORDINANCE NO. 1342

AN ORDINANCE OF THE CITY OF KALAMA, WASHINGTON ADOPTING A NEW KALAMA MUNICIPAL CODE CHAPTER 17.20 ESTATE LOT FLOATING ZONE TO PROVIDE TRANSITIONAL ZONING OPTIONS FOR RESIDENTIAL DEVELOPMENT BETWEEN LOW DENSITY ZONING AREAS AND UNDEVELOPED TIMBERLANDS

WHEREAS, the City of Kalama has many areas of timberland and open areas inside its City limits adjacent to residential areas;

WHEREAS, the City of Kalama wants to encourage low impact development in transition areas between forest resources lands and traditional urban density developments, while providing additional choices to the development community to meet market demand;

WHEREAS, the Kalama Planning Commission has held public meetings to draft a code option for an Estate Lot Floating Zone to develop these areas in a manner which helps to preserve the natural setting;

WHEREAS, the Kalama Planning Commission held a public hearing on September 11, 2014 to take testimony on the draft code KMC Chapter 17.20 Estate Lot Floating Zone;

WHEREAS, the City of Kalama filed and published a non-project SEPA DNS on September 26, 2014 setting a fourteen day comment period expiring on October 11, 2014;

NOW THEREFORE the City Council of the City of Kalama do ordain:

Section 1. Kalama Municipal Code Chapter 17.20 is adopted as follows:

17.20.010 Purpose.

The purpose of the estate lot floating zone designation is to serve as a transitional zone between lower density zoning districts and undeveloped timber land. The estate lot floating zone encourages residential development on historically used timber lands while preserving the natural setting.

17.20.020 Applicability of Provisions.

- A. The estate lot floating zone designation may only be applied in the Low Density Residential (R-1) district.
- B. In the event of a conflict between the requirements of this chapter and those of other chapters, the more restrictive provisions shall control.

17.20.030 Permitted Uses.

- A. The following uses shall be permitted in the estate lot floating zone:
 - 1. One single-family dwelling per legally created lot.
 - 2. Accessory uses as defined by Chapter 17.08 for an existing or approved dwelling.

3. Bed and breakfast inns consistent with the following:
 - a. Guests may not occupy a facility for more than fourteen consecutive days;
 - b. One non-animated, non-illuminated sign not exceeding two square feet in area may be permitted on the structure or within the yard. A sign permit shall be obtained from the city; and
 - c. Parking areas shall be screened from adjacent properties and streets. The required screening may consist of any combination of earth mounds, berms, ground forms, fences, landscaping (plant materials), or landscaped fixtures (such as timbers).
4. Home occupations consistent with Section 17.18.070(K) and the following:
 - a. Exterior structural alterations to the residence shall not be permitted for the home occupation. New structures shall not be constructed for the primary purpose of housing a home occupation; and
 - b. Parking areas shall be screened from adjacent properties and streets. The required screening may consist of any combination of earth mounds, berms, ground forms, fences, landscaping (plant materials), or landscaped fixtures (such as timbers).
- B. The following uses shall be permitted by a conditional use permit:
 1. Cottage industries consistent with Section 17.18.070(K) and the following:
 - a. Exterior structural alterations to the residence shall not be permitted for the cottage industry. New structures shall not be constructed for the primary purpose of housing a cottage industry; and
 - b. Parking areas shall be screened from adjacent properties and streets. The required screening may consist of any combination of earth mounds, berms, ground forms, fences, landscaping (plant materials), or landscaped fixtures (such as timbers).

17.20.040 Estate Lot Design Standards.

The underlying zoning district's standards apply for all standards not specified below:

- A. Minimum Lot Size. The minimum lot size is 22,500 square feet.
- B. Maximum Lot Size. The maximum lot size is 2.99 acres.
- C. Minimum Lot Frontage. The minimum lot frontage is one hundred fifty feet.
- D. Front Yard Setback. The front yard setback is fifty feet.
- E. Rear Yard Setback. The rear yard setback is fifty feet.
- F. Side Yard Setback. The side yard setback is fifty feet.
- G. Maximum Lot Coverage. The maximum lot coverage is twenty-five percent.
- H. Colors.
 1. Unless expressly exempted by other provisions in this chapter, colors of structures on sites shall be dark earth-tones found at the site or in the surrounding landscape. The specific colors or list of acceptable colors shall be included as a condition of approval. The City maintains a list of acceptable colors on file.
 2. The exterior of buildings shall be composed of nonreflective materials or materials with low reflectivity. Painted metal is not considered to be a nonreflective material or material with low reflectivity.
- I. Lighting. Exterior lighting shall be directed downward and sited, hooded and shielded to minimize impacts to the night sky. Light fixtures shall be arranged to deflect light away from any adjoining residential property or from a public street. Shielding and hooding materials shall be composed of non-reflective, opaque materials.
- J. Structural Additions.

1. An alteration to a building built prior to the effective date of this ordinance that already protrudes above the ridgeline of a bluff, cliff or ridge as seen from key viewing areas defined by Chapter 17.08 may itself protrude above the ridgeline if the protrusion is no higher than the existing building and the alterations are consistent with the color standards of Section 17.20.040(H).

2. For existing buildings that do not protrude above the ridgeline, additions smaller in total area than the existing building may be the same color as the existing building. Additions larger than the existing building shall be consistent with the color standards of Section 17.20.040(H).

K. Building Height. Buildings shall be no taller than the standards in Section 17.18.040. Furthermore, new buildings shall remain below the ridgeline of a bluff or cliff so as to not protrude above the collective tree line as viewed from key viewing areas defined by Chapter 17.08. Variances to this provision may be granted pursuant to Chapter 17.52 if application of this provision would leave the owner without a reasonable economic use. The variance shall be the minimum necessary to allow the use and shall be applied only after all reasonable efforts to modify the design, building height, and site to comply with this provision have been demonstrated to the satisfaction of City staff.

L. Grading. New buildings, driveways, and roads shall be designed and sited to minimize visibility of cut banks and fill slopes from the public right-of-way, adjacent properties, and key viewing areas defined by Chapter 17.08. Disturbed areas shall be vegetated to diminish visual impact and maintain slope stability. In no case shall the top of a prominent hilltop, knoll, or ridge be graded to create a building pad. The use of dark-colored retaining walls, plantable walls, and terraced retaining structures is encouraged when such use can reduce the need for extensive cut or fill slopes.

M. Tree Preservation. Development shall be designed to preserve significant trees defined by Chapter 16.04 as set forth in this section. When the preservation of at least thirty-three percent of significant trees, inclusive of those found in preserved critical area buffers and open space or recreation tracts, is deemed infeasible by the City, the applicant shall mitigate for the loss of tree canopy by incorporating additional landscaping, tree plantings and/or buffer enhancements (if applicable) or through other means as approved by the City Administrator. Significant trees remaining on-site shall be protected during construction through the use of fencing, rock wells, and other means that provide protection corresponding to the drip line of the tree(s), which is the vertical projection of the foliage at its greatest circumference. Assurances shall be provided to ensure the long-term protection of significant trees, or trees planted as mitigation, via notations on the final plat and within recorded covenants. Exemptions may be included to allow removal of those trees deemed dangerous or hazardous to public health, safety and welfare by a certified arborist. If more than sixty-seven percent of the property has been harvested for timber within the ten years preceding an application for development, the property will be held to the standards for tree preservation based on the presence of trees prior to timber harvesting.

17.20.050 Infrastructure Requirements.

The applicant shall be required to install public infrastructure improvements in accordance with the provisions of the Development Guidelines and Public Works

Standards. Notwithstanding any provision of the Municipal Code or Development Guidelines and Public Works Standards, the City may authorize alternate designs such as low impact development or revised street or sidewalk widths or materials that meet the intent of the code while accommodating topographic or other site constraints. Requests to modify standards shall be submitted per Development Guidelines and Public Works Standards Section 2.04. Although new structures located within City Limits are required to connect to the City's sewerage system, exceptions may be granted per KMC Section 12.04.

17.20.060 Application Requirements.

A. Development review applications shall include the following information:

1. An application form as provided by the City Administrator. The applicant shall provide the following information with the application:

- a. The applicant's name, address, and telephone number;
- b. The land owner's name, address, and telephone number (if different from the applicant's);
- c. The section, quarter section, township, and range in which the proposed use or development would be located;
- d. The address of the proposed use or development (if known);
- e. The tax lot number(s) for the parcels;
- f. The size in acres and square feet of the parcel(s) involved;
- g. A description of the current land use(s) for the parcel(s) involved;
- h. A written description of the proposed use or development, including details on the height, shape, and physical samples of the exterior color(s); and
- i. Signature of the applicant and property owner, including a statement that authorizes the City reasonable access to the site in order to evaluate the application.

2. A map of the project area. The map shall be drawn to a scale large enough to allow the City Administrator to determine the location and extent of the proposed use or development and to evaluate its effects on scenic, cultural, natural and recreation resources. The map shall be prepared at a scale of one inch equals two hundred feet (1:2,400) or a scale providing greater detail. If a parcel is very large, the map does not need to show the entire parcel. Rather, it can show only those portions of the parcel affected by the proposed use. The map shall include the following elements:

- a. North arrow;
- b. Map scale;
- c. Boundaries, dimensions, and size of the subject parcel;
- d. Significant terrain features or landforms;
- e. Groupings and species of trees or other vegetation on the parcel;
- f. Landscaping details including the location and species of vegetation that would be removed or planted, and any irrigation provisions or other measures to ensure the survival of landscaping planted for screening purposes;
- g. Bodies of water and watercourses;
- h. Location and width of existing and proposed roads, driveways and trails;
- i. Location and size of existing and proposed structures;

j. Location of existing and proposed services, including wells or other water supplies, sewage disposal systems, power and telephone poles and lines, and outdoor lighting; and

k. Location and depth of all proposed grading and ditching.

3. Elevation drawings which show the appearance of proposed structures and include natural grade, finished grade, and the length, width, and height of the structure as seen from a horizontal view. Elevation drawings shall be drawn to scale.

4. A grading plan for all proposed development that involves any ground disturbance. Grading plans shall be prepared by a professional engineer licensed in the State of Washington. The grading plan shall include the following elements:

a. A map of the site, prepared at a scale of one inch equals two hundred feet (1:2,400) or a scale providing greater detail, with contour intervals of at least five feet, including:

i. Natural and finished grade;

ii. Location of all areas to be graded, with cut banks and fill slopes delineated; and

iii. Estimated dimensions of graded areas.

b. A narrative description of the proposed grading activity, including:

i. Its purpose;

ii. An estimate of the total volume of material to be moved;

iii. The height of all cut banks and fill slopes, including cross-sectional diagrams and road profiles;

iv. Provisions to be used for compaction, drainage, and stabilization of graded areas;

v. A description of plant materials used to revegetate exposed slopes and banks, including the species, number, size and location of plants, and a description of irrigation provisions or other measures necessary to ensure the survival of plantings; and

vi. A description of any other interim or permanent erosion control measures to be used.

5. A list of all key viewing areas from which the proposed development would be visible.

6. A tree survey and preservation plan, report or drawing that complies with Section 17.20.040(M).

7. Any additional information the applicant feels will assist the City in evaluating the proposal, including, but not limited to, maps, drawings and development plans.

17.20.070 Review Process.

A. Pre-Application Conference. An applicant may request a pre-application conference prior to submitting an application for development review. The purpose of the conference is to acquaint the applicant with the substantive and procedural requirements of the Municipal Code, to discuss the principal elements of the proposed action, and to identify opportunities and constraints associated with the proposed action.

B. Complete Application Required Prior to Review.

1. Prior to initiating any use or development which requires review and approval by the City, a development review application shall be completed pursuant to this Section.

2. Completed application forms and a non-refundable application fee as established by City Council shall be submitted to the City.

3. Within twenty days of receipt of an application, the City Administrator shall review the application for completeness and adequacy and advise the applicant, in writing, either that:

a. The application is complete as submitted; or

b. The application is incomplete and what specific additional information is required before the application can be deemed complete.

4. Within twenty days of receipt of supplemental information, the City Administrator shall review the information to determine if the application is complete.

5. No application shall be accepted as complete until all documented omissions and deficiencies have been corrected by the applicant.

6. Development review application forms shall be available at City offices.

C. Review by City Administrator. The City Administrator shall approve, approve with conditions, or deny complete applications within fourteen calendar days after the date the application was accepted as complete unless the applicant extends this time in writing. Time spent by the applicant to revise plans or provide additional studies or materials requested by the City Administrator shall not be included in the maximum permitted review period. The City Administrator's decision shall address all of the relevant approval criteria applicable to the development application.

D. Final Decision. The final decision on a complete application shall be mailed to the applicant, the property owner, and the applicant's or owner's representative, if applicable, by regular mail. The final decision on a complete application shall contain the following information:

1. A statement of the applicable criteria and standards pursuant to the Kalama Municipal Code and other applicable law;

2. A statement of the facts demonstrating how the application does or does not comply with applicable approval criteria;

3. The reasons for a conclusion to approve, approve with conditions, or deny the application;

4. The decision to approve or deny the application and, if approved, conditions of approval necessary to ensure the proposed development will comply with applicable law; and

5. The date the final decision is signed and the date the appeal period expires.

E. Appeal of Final Decision. An administrative review decision becomes effective on the fourteenth calendar day after the decision has been issued, unless an appeal is filed with the City Administrator. The applicant and owner have the right to waive their appeal rights, and in such cases where a waiver is submitted in writing to the City Administrator, the administrative review decision is considered final on the day it is signed by the City Administrator or on the day the waiver is approved, whichever is later.

Section 2. Severability. If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 3. This ordinance shall become effective five days after passage, approval, and publication as provided by law.

Passed by the City Council of the City of Kalama at a regular meeting held on the 15th day of October, 2014

Mayor Pete Poulsen

Attest:

Coni McMaster, Clerk/Treasurer

Approved as to form:

City Attorney

Passed: _____

Published: _____

Effective: _____