

**Comment of Christopher L. Reive to
Hood Street Subdivision Preliminary Plat Application
Public Hearing – July 7, 2022
City of Camas File No. SUB22-01**

My name is Christopher Reive. My wife and I own and live at 1829 NW Columbia Summit Dr in Camas. Our property abuts the proposed subdivision lot 9 to the North.

We submitted written comments and our objection to this proposed plat by letter dated and delivered on July 1. I have since reviewed the Staff Report, which was posted online that same day. I was disappointed to read the City Staff's analysis and opinion about what, I submit, is an obvious violation of the City's beveling provision – CMC 18.09.080(B). A response to the City is required.

The final paragraph of page 13 of the Staff Report quotes only a portion of 080(B)¹ and then concludes, without explanation or further discussion: *"Lots 5-9 and 12-13 abut a lower density zone, therefore the lots shall be the largest size permitted in the R-7.5 zone which is 9,000 square feet per the density transfer provisions. Staff finds these lots comply with the beveling standards."* (Emphasis in bold added). Simply stated, there is no reasonable reading of CMC 18.09.080(B) which supports this conclusion.

First, and as I noted in my earlier written objection, .080(B) refers you to Table 2 of CMC 18.09.040, specifically Section A of the applicable Table. Table 2 does not reference minimum or maximum lot size, but Table 1 does. Table 2 does not contain separate labeled sections (A or B), but Table 1 does. Staff seems to concede that using Table 2 is not possible and an inadvertent error in .080(B). I agree. But that is as far as my agreement goes.

Referring to .040 Table 1, **Section A**, which is the only "Section" referenced in the beveling provision .080(B), the largest lot size permitted in the R-7.5 zone is 12,000 square feet. However, Staff instead directs you to Section B (without describing it as such) and the smaller lot size requirement by simply stating this is "per the density

¹ The complete quote from the Staff Report is: Per CMC 18.09.080.B, "When creating new lots via short plats or subdivisions that are adjacent to a different residential zone designation, the new lots along that common boundary shall be the maximum lot size allowed for the zone designation of the new development (if a lower density adjacent zone), or the minimum lot size allowed for the zone designation of the new development (if a greater density adjacent zone), as based on CMC 18.09.040 Table 2, Section A." Lots 5-9 and 12-13 abut a lower density zone, therefore the lots shall be the largest size permitted in the R-7.5 zone which is 9,000 square feet per the density transfer provisions. Staff finds these lots comply with the beveling standards."

transfer provisions.” What the Staff fails to report is that the quote of .080(B) that Staff provides is incomplete and omits very specific language of .080(B) which, by omission, prohibits the application of density transfer in this circumstance.

The omitted language of CMC 18.09.080(B) states as follows:

“In applying this section, **where a land division is required to increase the size of lots**, the land division may utilize the density transfer provisions provided for in CMC Section 18.09.060.” (Emphasis in **bold** added).

This is the only reference to density transfer in the beveling provision. But, the permission it grants does not apply here because the proposed plat before you does not propose to increase the size of any existing platted lot. The applicant instead proposes to carve a larger parcel into smaller lots. Nor, does the above omitted language direct you to Table 1, Section B of .040 or to any other code provision even it did apply.

The City’s beveling provision, CMC 18.09.080(B) is specific and mandatory. It provides no basis for applying the density transfer provisions of .060 to the proposed border lots 5, 6, 8 and 9. There is no fair and reasonable reading of .080(B) that gets you to the Staff’s conclusion. The beveling provision, in fact and law, requires those lots, or any border lots that may be proposed by the applicant, to be the largest lot size permitted for zone 7.5 as stated in Table A of .040, which is 12,000 square feet – no more, and certainly no less.

The situation before you is a poster-child for the existence of the beveling provision. I believe a reasonable analysis of its legislative history would support this conclusion. Beveling is intended to buffer the impacts caused by the transition of density constraints between otherwise incompatible zones. Those impacts are the source of most of the other comments you have received in response to the plat as proposed. The required lot sizes for border lots in the new subdivision, in this case 12,000 square feet, may or may not burden the applicant. But regardless, that burden should not be born by those not benefitted at all by the new development.

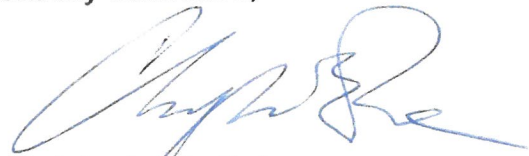
It is not even clear in this case that the applicant would actually be burdened by requiring the border lots to be 12,000 square feet. It is my understanding that denying the current application on these grounds poses no unwelcome hardship on the applicant. Mr. Fogg, Mr. Vartanian, and I met with Mr. Tishenko and his son in Mr. Fogg’s home on June 13 to discuss Mr. Tishenko’s plans for the property and the proposed plat. We told him our concerns. His reply was a bit surprising – He said that he agreed with our concerns about the size of the border lots, that he would prefer them to be larger. He said that he would prefer the subdivision be for fewer lots than proposed. And, he said that the border lot sizes proposed were required by the City. He told us that he had raised his concerns with the City Staff, and that they had recently refused to discuss the topic further with him.

Assuming Mr. Tishenko's comments are accurate, there is only one party before you today that supports the proposed preliminary plat as submitted. Every neighbor who has filed a comment, the adjacent neighborhood Association, and even the applicant either does not support the plat or objects to its approval.

You have over 800 pages of materials in front of you. I submit you can stop reading at page 13 of the Staff Report. Staff is wrong; Lots 5, 6, 8 and 9 do not comply with the beveling standards of CMC 18.09.080(B). Full stop. The Preliminary Plat as submitted cannot be approved in its current form.

Thank you for your attention to this matter.

Respectfully submitted,



Christopher L. Reive