



Contact:
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Community Development Department | Planning
616 NE Fourth Avenue | Camas, WA 98607
(360) 817-1568
Permits@CityofCamas.us

Camas Station

General Application Form

Case Number: Appeal 22-01

Applicant Information

Applicant/Contact: CK Designs, LP Phone: (760) 518-8568

Address: 2689 Red Arrow Drive hbode@icloud.com

Street Address E-mail Address
Las Vegas NV 89135
City State ZIP Code

Property Information

Property Address: NW corner of intersection of NW 16th Avenue and NW Brady Road 127357-000

Street Address County Assessor # / Parcel #
Camas WA 98607
City State ZIP Code

Zoning District CC (Community Commercial) Site Size 94,086 SF/2.16 AC

Description of Project

Brief description: The Applicant requests reconsideration by the Hearing Examiner on two items from the Final Order as indicated in the attached memo. for case number CUP22-02.

Are you requesting a consolidated review per CMC 18.55.020(B)? YES NO

Permits Requested: Type I Type II Type III Type IV, BOA, Other

Property Owner or Contract Purchaser

Owner's Name: CK Designs, LP Phone: (760) 518-5868

Last First
2689 Red Arrow Drive Las Vegas, NV 89135

Street Address Apartment/Unit #
E mail Address: hbode@icloud.com

City State Zip

Signature

I authorize the applicant to make this application. Further, I grant permission for city staff to conduct site inspections of the property.

Signature: Howard Bode Date: 09 / 08 / 2022

Note: If multiple property owners are party to the application, an additional application form must be signed by each owner. If it is impractical to obtain a property owner signature, then a letter of authorization from the owner is required.

Date Submitted: 9/8/222	Pre-Application Date:	paid \$399.00
Staff: Lauren Hollenbeck	Related Cases #	
<input type="checkbox"/> Electronic Copy Submitted		Validation of Fees

Application Checklist and Fees [updated on January 1, 2022]

◇ Annexation	\$863 - 10% petition; \$3,669 - 60% petition	001-00-345-890-00	\$	
◇ Appeal Fee		001-00-345-810-00	\$399.00	\$ 399.00
◇ Archaeological Review		001-00-345-810-00	\$137.00	\$
◇ Binding Site Plan	\$1,879 + \$24 per unit	001-00-345-810-00		\$
◇ Boundary Line Adjustment		001-00-345-810-00	\$103.00	\$
◇ Comprehensive Plan Amendment		001-00-345-810-00	\$5,826.00	\$
◇ Conditional Use Permit				
Residential	\$3,417 + \$105 per unit	001-00-345-810-00		\$
Non-Residential		001-00-345-810-00	\$4,328.00	\$
◇ Continuance of Public Hearing		001-00-345-810-00	\$524.00	\$
◇ Critical or Sensitive Areas (fee per type)		001-00-345-810-00	\$775.00	\$
	(wetlands, steep slopes or potentially unstable soils, streams and watercourses, vegetation removal, wildlife habitat)			
◇ Design Review				
Minor		001-00-345-810-00	\$433.00	\$
Committee		001-00-345-810-00	\$2,375.00	\$
◇ Development Agreement	\$877 first hearing; \$530 ea. add'l hearing/continuance	001-00-345-810-00		\$
◇ Engineering Department Review - Fees Collected at Time of Engineering Plan Approval				
Construction Plan Review & Inspection	(3% of approved estimated construction costs)			
Modification to Approved Construction Plan Review	(Fee shown for information only)		\$420.00	
Single Family Residence (SFR) - Stormwater Plan Review	(Fee shown for information only)		\$208.00	
Gates/Barrier on Private Street Plan Review	(Fee shown for information only)		\$1,041.00	
◇ Fire Department Review				
Short Plat or other Development Construction Plan Review & Insp.		115-09-345-830-10	\$284.00	\$
Subdivision or PRD Construction Plan Review & Inspection		115-09-345-830-10	\$354.00	\$
Commercial Construction Plan Review & Inspection		115-09-345-830-10	\$424.00	\$
◇ Home Occupation				
Minor - Notification (No fee)			\$0.00	
Major		001-00-321-900-00	\$69.00	\$
◇ LI/BP Development	\$4,328 + \$41.00 per 1000 sf of GFA	001-00-345-810-00		\$
◇ Minor Modifications to approved development		001-00-345-810-00	\$346.00	\$
◇ Planned Residential Development	\$35 per unit + subdivision fees	001-00-345-810-00		\$
◇ Plat, Preliminary				
Short Plat	4 lots or less: \$1,936 per lot	001-00-345-810-00		\$
Short Plat	5 lots or more: \$7,1755 + \$250 per lot	001-00-345-810-00		\$
Subdivision	\$7,175 + \$250 per lot	001-00-345-810-00		\$
◇ Plat, Final:				
Short Plat		001-00-345-810-00	\$200.00	\$
Subdivision		001-00-345-810-00	\$2,375.00	\$
◇ Plat Modification/Alteration		001-00-345-810-00	\$1,196.00	\$
◇ Pre-Application (Type III or IV Permits)				
No fee for Type I or II				
General		001-00-345-810-00	\$354.00	\$
Subdivision (Type III or IV)		001-00-345-810-00	\$911.00	\$
◇ SEPA		001-00-345-890-00	\$810.00	\$
◇ Shoreline Permit		001-00-345-890-00	\$1,196.00	\$
◇ Sign Permit				
General Sign Permit	(Exempt if building permit is required)	001.00.322.400.00	\$41.00	\$
Master Sign Permit		001.00.322.400.00	\$126.00	\$
◇ Site Plan Review				
Residential	\$1,151 + \$34 per unit	001-00-345-810-00		\$
Non-Residential	\$2,876 + \$68 per 1000 sf of GFA	001-00-345-810-00		\$
Mixed Residential/Non Residential	(see below)	001-00-345-810-00		\$
	\$4,055 + \$34 per res unit + \$68 per 1000 sf of GFA			
◇ Temporary Use Permit		001-00-321-990-00	\$80.00	\$
◇ Variance (Minor)		001-00-345-810-00	\$695.00	\$
◇ Variance (Major)		001-00-345-810-00	\$1,295.00	\$
◇ Zone Change (single tract)		001-00-345-810-00	\$3,345.00	\$

Adopted by RES 1023 AUG 2005; Revised by RES 1113 SEPT 2007; Revised by RES 1163 OCT 2009; Revised by RES 1204 NOV 2010;
Revised by RES 15-001 JAN 2015; Revised by RES 15-007 MAY 2015; Revised by RES 15-018 DEC 2015; Revised by RES 16-019 NOV 2016;
Revised by RES 17-015 NOV 2017; Revised by RES 18-003 APRIL 2018; Revised by RES 18-013 NOV 2018; Revised by RES 19-018 DEC 2019
Revised by RES20-014 DEC 2020

Fees reviewed & approved by Planner:

Initial _____ Date _____

For office use only

Total Fees Due: \$ 399.00



September 8, 2022

VIA ELECTRONIC MAIL: communitydevelopment@cityofcamas.us
Original via hand delivery

Joe Turner, AICP
 City of Camas Hearings Examiner
 c/o Lauren Hollenbeck, Senior Planner
 Community Development | Planning Division
 616 NE 4th Avenue
 Camas, WA 98607

RE: Camas Station (File No. CUP22-02)
Our File No: 12652-30427

Dear Honorable Hearings Examiner:

This office represents CK Designs, LP (the "**Applicant**") which submitted the above referenced consolidated application for that certain real property located at the northwest corner of the intersection of NW 16th Avenue and NW Brady Road, commonly known as tax parcel #127357-000 (the "**Property**") requesting: (1) a short plat dividing the 2.16 acre parcel into three (3) commercial properties; (2) site plan review for a 7,350 square foot convenience store, car wash, and 12 pump gas station, a 3,900 square foot drive thru coffee shop/retail building, and a 2,800 square foot retail building, including landscaping, parking, utilities, and other improvements (the "**Proposed Development**"); (3) design review of the Proposed Development; and, (4) a conditional use permit to allow for the proposed gas station and drive-thru coffee shop in the Community Commercial (CC) zone (collectively the "**Application**"). A hearing was held before the Hearings Examiner on July 26, 2022 (the "**Hearing**") and the Hearings Examiner issued an approval of the Application on August 25, 2022 (the "**Decision**"). The Applicant is requesting reconsideration of the following items contained in the Decision, as addressed individually below.

I. CONDITION OF APPROVAL NO. 37

The Decision approved the Application subject to various conditions of approval including the

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 Salem, Oregon 97301
 Post Office Box 470
 Salem, Oregon 97308

tel 503.399.1070
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following condition of approval found on page 25 of the Decision:

37. Revised site plans are to be submitted demonstrating that a minimum 60 feet of right-of-way exists along the section of NW 16th Avenue abutting the site or dedicate additional right-of-way as necessary to provide a minimum a total right-of-way width of 60-feet.

The Applicant is requesting reconsideration of this condition of approval because it constitutes an unlawful taking. Under the Camas Municipal Code (“CMC”) 17.19.040(B)(1) “half-width street improvements are required to the centerline of the right-of-way and are to provide the minimum structural street section per the CDSM.” The CDSM standards state that the applicable roadway standards for a two (2) lane collector or arterial are:

- (1) 60 foot ROW width;
- (2) 36 feet of paved street width;
- (3) Five (5) foot wide detached sidewalks with four foot six inch (4.5’) and five foot (5’) planter strips on either side;
- (4) No parking on either side of the street;
- (5) Street lighting;
- (6) Curb radii at drive access locations at a minimum of 35-feet;
- (7) ADA accessible curb ramps on both sides of the drive access location; and
- (8) Off-street parking setbacks, at the ingress aisles, located a minimum of 40-feet from back of sidewalk.

Pursuant to the CMC and applicable standards, the Applicant is only required to provide a half street improvement, including the dedication of adequate right-of-way, measured from the centerline of NW 16th Avenue. As Applicant provided in its application materials and as shown on the Applicant’s Site Plan, designated in the record as **Exhibit 6**, the existing right of way along the northern side of the centerline of NW 16th Avenue is 20 feet, meaning that in order to meet Applicant’s obligation, it is only required to dedicate an additional 10 feet of right-of-way to meet the required half street improvement outlined above. Applicant’s Proposed Development exceeds this requirement, proposing a dedication of 17 feet, which results in a 37 right of way dedication on the Applicant’s side of the existing centerline, exceeding its obligations.

While the City is authorized to require the Applicant to dedicate adequate right-of-way to meet its obligation under the CMC, the City is not authorized to require the Applicant to dedicate additional right of way when there is not a nexus between the nature and extent of the of the Proposed Development and its purported impact. The City has failed to provide the requisite “individualized determination that the dedication is related both in nature and extent to the proposed development’s impact.” *Sparks v. Douglas County*, 127 Wash. 2d 901, 910-913; 904 P.2d 738, 743-744 (1995) citing *Dolan v. City of Tigard*, 512 U.S. 374 (1994). While the Applicant agrees that there is a nexus between the City’s interest in promoting road safety and providing for the long term development of the transportation in the surrounding area, as in *Sparks* the Applicant’s position is that the additional three (3’) feet of ROW dedication is disproportionate to the expected impacts and would not comply with the United States Supreme Court’s rulings in *Nollan v. California Coastal Commission*, 483 S Ct 825 (1987) or in *Koontz v. St. Johns River Water Management District*, 133 S Ct 2586 (2013). As approved, condition of approval No. 37 constitutes an unconstitutional taking, in violation of the Article I, Section 16 of the Washington State

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Constitution and the Fifth Amendment of the United States Constitution.

The Applicant respectfully requests that the Hearings Officer reconsider the application of condition of approval No. 37 and re-issue the Decision without the identified condition, or in the alternative, issue the Decision with the below revised language:

37. Applicant will dedicate right-of-way as necessary to provide at a minimum a total right-of-way half-width of 30-feet as measured from the centerline of NW 16th Avenue along the section of NW 16th Avenue abutting the site.

II. EAST BOUND TURN LANE ON NW 16TH AVENUE

The Applicant also requests the removal of references in the Decision to the addition of an east bound turn lane on NW 16th Avenue. The Applicant believes that these references were included in error. Attached to this request as **Exhibit "A,"** which is incorporated herein by this reference, is an aerial overview of the intersection of NW 16th Avenue and NW Brady Road. As shown, there is already an existing east bound turn lane on NW 16th Avenue. Neither the Applicant's materials nor the staff report identify the need for the addition of an east bound turn lane in this location.

The Applicant requests that the Hearings Examiner reissue the Decision removing the following language from Section (6)(a)(vii) on page 13:

The applicant will add an eastbound left turn lane on NW 16th Avenue at NW Brady Road, which may alleviate some existing congestion by providing a separate queuing area for vehicles waiting to turn left onto NW Brady Road, allowing eastbound traffic to continue uninterrupted.

Applicant suggests replacing this language with the following revised language:

There is an existing eastbound left turn lane on NW 16th Avenue at NW Brady Road, which provides a separate queuing area for vehicles waiting to turn left onto NW Brady Road, allowing eastbound traffic to continue uninterrupted, which helps address congestion in the area during peak traffic times.

Additionally, the Applicant requests a revision to the following condition of approval found on page 25 of the Decision:

43. Signing and striping plans are to be submitted for review and approval that address the required restriping and applicable signing on NW 16th Avenue to accommodate the new turning movements for the proposed development.

Applicant proposes the following revised condition No. 43, removing the reference to the eastbound turn lane:

43. Signing and striping plans are to be submitted for review and approval that address any required restriping and applicable signing for the proposed development.

The Applicant respectfully request that the Hearings Examiner re-issue the Decision with the above

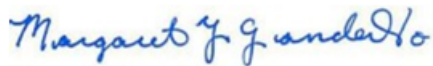
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requested revisions.

III. CONCLUSION

The Applicant respectfully requests that the Hearings Examiner re-issue the Decision, removing Condition No. 37 and removing all references in the Decision to the Applicant's addition of an eastbound left turn lane.

Sincerely,



MARGARET Y. GANDER-VO
margaret@sglaw.com
Voice Message #374



HOWARD J. BODE, MANAGER
CK DESIGNS, LP
hbode@mac.com
760-518-8568

MYG: hst
Enclosures

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EXHIBIT A
AERIAL OF INTERSECTION AT
NW BRADY ROAD AND NW 16TH AVENUE

