TO: City Council  
FROM: Ben Shumaker, Planning Director  
DATE: August 18th, 2016  
SUBJECT: Chinidere Rezone (ZON2016-03)

Introduction

The Stevenson City Council is requested to review and take action on a proposal for rezoning approximately ten acres of land located within the proposed Chinidere Mountain Estates Subdivision from R3- Multi-Family Residential to R1- Single-Family Residential. This request is intended to help satisfy Condition #7 of the preliminary plat approval for Phases 1 & 4:

“Prior to final plat approval, the applicant shall specify which four lots are reserved for multi-family construction and a note shall be added to the face of the plat to limit multi-family construction to the designate [sic] lots.”

This request comes at the urging of staff as a more appropriate alternative to the plat note.

Recommended Action

The Planning Commission recommends modifying the ~10 acre downzone area to an ~1 acre area, primarily affecting Phase 2/3 and Phase 4.

Guiding City Policies

Zoning Code

SMC 17.08.030 – Purpose of Zoning Map

The Zoning Map adopted for the City is an official map and land use policy to control and direct the use and development of property in the municipal territory by dividing it comprehensively into districts according to the present and potential use of the properties.


The boundaries of the various districts shown on the zoning map are, unless otherwise indicated, streets, alleys, lot lines, section lines or other lines of demarcation as shown on such map. Where a street, property line or other boundary line on the ground varies from that shown on the zoning map, and where property or other boundary lines do not exist or are not shown on the zoning map, the zoning map may be interpolated so as to carry out the intent and purpose of the zoning for that district.


Where a district boundary line, as shown on the zoning map, divides a lot or other unit of property in single ownership at the time of passage of the ordinance codified in this title and any amendment thereto, the use permitted on the least restrictive portion of such lot may extend to the portion lying in the more restrictive district a distance of not more than fifty feet beyond the district boundary line.
SMC 17.50.010 – Boundary or Zone Changes

The Council may, upon proper application, upon recommendation of the planning commission, or upon its own motion, after public hearing and referral to and report from the planning commission, change by resolution the district boundary lines or zone classification as shown on the zoning map, provided such change is duly considered in relationship to a comprehensive plan.

Comprehensive Plan

Goal 2: “Development within the Urban Area wisely considers the long-term interests of the community”

2.7-2 Balance the availability of sufficient land for various uses when designating Future Land Use and Zoning districts.

2.7-3 Consider infill potential when designating Future Land Use and Zoning districts, especially with regard to multi-family housing.

2.7-5 Consider location and suitability of land for urban uses and established need when designating Future Land Use and Zoning districts.

2.12 Facilitate and encourage the use of innovative building types and land development patterns that encourage conservation of energy and other resources.

2.14 Ensure development review processes are prompt, predictable, open, and uncomplicated.

Goal 3: “A variety of housing options accommodates all residents”

3.1 Periodically review and revise land development regulations for residential areas to accommodate changing social and economic needs of residents.

3.2 Encourage a range of residential land uses, housing sizes, types, and price ranges and establish appropriate development criteria.

3.2-2 Ensure adequate and buildable areas for multi-family housing development.

Background

Site Characteristics

<table>
<thead>
<tr>
<th>Table 1. Affected Subject Parcels</th>
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</thead>
<tbody>
<tr>
<td><strong>Owner(s)</strong></td>
</tr>
<tr>
<td>Aspen Development</td>
</tr>
<tr>
<td>Chinidere LLC</td>
</tr>
</tbody>
</table>

| **Total Area** | 25.38 ac |

<table>
<thead>
<tr>
<th><strong>Planning Commission Recommendation</strong></th>
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<tbody>
<tr>
<td><strong>Current</strong></td>
</tr>
<tr>
<td>R1 Area</td>
</tr>
<tr>
<td>R3 Area</td>
</tr>
</tbody>
</table>
### Surrounding Property Characteristics

<table>
<thead>
<tr>
<th></th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subject Property</strong></td>
<td>R1/R3</td>
<td>Vacant/Unfinished Subdivision</td>
</tr>
<tr>
<td>North</td>
<td>R1</td>
<td>Single-Family Residences/Vacant</td>
</tr>
<tr>
<td>East</td>
<td>R1</td>
<td>Single-Family Residences/Vacant</td>
</tr>
<tr>
<td>South</td>
<td>County</td>
<td>Highway/Railroad/River</td>
</tr>
<tr>
<td>West</td>
<td>R2/R3/C1</td>
<td>Single- and Multi-Family Residences/Church/Food &amp; Beverage Operation</td>
</tr>
</tbody>
</table>

**Aerial Photo**
Overview

On March 18th, 2004 the City Council approved Ordinance 986 “An Ordinance Zoning Certain Property to Become Effective upon Annexation to the City.” The minutes from this meeting read: “Staff noted to Council that there was no legally defined boundary for the demarcation between the multifamily and single family zones. Steve Tessmer replied that the proponents will legally define that line at the time the subdivision is submitted. Staff noted that this will probably be accomplished through a zoning amendment.”

On September 21st, 2006 the City Council adopted the “Amended Planning Commission Recommendations as Adopted by City Council,” a portion of which reads:
   a. The ordinance\(^1\) annexing this parcel adopted R-1 zone for the northerly section of the parcel and R-3 for the southerly section. The exact delineation has not been established between the two zones, and City Council approval of the exact demarcation will be a condition of preliminary plat approval. The applicant is contemplating not more than four multi-family structures on the southern (phases 1 & 2) section of the development. Single family residential is a permitted use in either zone, and multi-family is permitted in R-3 zone.” And

“7. Prior to final plat approval, the applicant shall specify which four lots are reserved for multi-family construction and a note shall be added to the face of the plat to limit multi-family construction to the designate lots.”

### Zoning Comparison

<table>
<thead>
<tr>
<th>Zoning District Density &amp; Dimensional Comparison</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Min Lot Area</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td><strong>Max Dwellings per Lot</strong></td>
</tr>
<tr>
<td><strong>Max Building Height</strong></td>
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<tr>
<td><strong>Setbacks</strong></td>
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<tr>
<td><strong>Min Lot Width</strong></td>
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<tr>
<td><strong>Min Lot Depth</strong></td>
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<tr>
<td><strong>Max Lot Coverage</strong></td>
</tr>
<tr>
<td><strong>Min Front Yard</strong></td>
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<tr>
<td><strong>Min Side Yard</strong></td>
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<tr>
<td><strong>Min Rear Yard</strong></td>
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</tbody>
</table>

### Public Works

The issues related to Public Works have been dealt with through the annexation and preliminary plat process.

### Critical Areas

The issues related to critical areas have been dealt with through the preliminary plat process.

### Public Involvement

City Council is holding the public hearing on this proposal. Notices have been published on August 3\(^{rd}\) and 10\(^{th}\), sent to property owners within 300’, posted at 4 locations in the area, posted on the City website, and sent to the Chinidere Approval Process email group. As of this writing, no written or verbal comments have been received.

### Alternatives

1. Grant approval of the rezone from recommended R3 to R1.
2. Grant approval of the requested rezone from R3 to R1.
3. Deny the rezone request.
4. Take some other course of action as a Council.

\(^1\) Ordinance 985&986.
Discussion of Alternatives

*Alternative 1-* would change the zone boundary to reduce the R3 area from ~56 lots to 52 lots. The applicant would still have to designate which 4 of those 52 lots would be used for multi-family construction (Either through a 2nd zone change or plat note). The amended line would coincide with the lot lines in the approved preliminary plat, and partially address an “administrative headache” that would otherwise result from a situation where lots are zoned one way but prohibited from being developed that way because of a recorded plat.

1. Advantages of Alternative 1-
   a. Advances SMC 17.14.020 which states that zoning boundary lines should be lot lines.
   b. Partially avoids the need for possible future administrative explanation of the unique situation of lots which are zoned R3 but cannot be developed according to R3 standards.
   c. Partially avoids likely administrative failures to comply with plat note when reviewing building permits.
   d. Complies with the certain intentions and directives of the City Council during the annexation and preliminary plat process.
   e. Retains great flexibility for owners to consider rezoning in the future.

2. Disadvantages of Alternative 1-
   a. None apparent.

*Alternative 2-* would change the zone boundary to reduce the R3 area from ~56 lots to 25 lots. The applicant would still have to designate which 4 of those 25 lots would be used for multi-family construction (Either through a 2nd zone change or plat note). The amended line would coincide with the lot line in the approved preliminary plat, and substantially reduce an “administrative headache” that would otherwise result from a situation where lots are zoned one way but prohibited from being developed that way because of a recorded plat.

3. Advantages of Alternative 1-
   a. Advances SMC 17.14.020 which states that zoning boundary lines should be lot lines.
   b. Greatly avoids the need for possible future administrative explanation of the unique situation of lots which are zoned R3 but cannot be developed according to R3 standards.
   c. Greatly avoids likely administrative failures to comply with plat note when reviewing building permits.
   d. Complies with the certain intentions and directives of the City Council during the annexation and preliminary plat process.
   e. Retains some flexibility for owners to consider rezoning in the future.

4. Disadvantages of Alternative 1-
   a. Front setback increase could lead to increased building costs for several sloped lots.

*Alternative 3-* would retain the existing zone boundary which divides properties under single ownership and create the superficial appearance that lots could be developed with uses besides single-family housing. The advantages and disadvantages of this alternative are the converse of the previous alternatives.

*Alternative 4-* would allow the Planning Commission to recommend a more closely tailored approach to this issue.

1. Advantages of Alternative 3-
   a. None apparent.

2. Disadvantages of Alternative 3-
   a. None apparent.
Prepared by:

Ben Shumaker
Planning Director

Attachments:

1-Application Materials
2-Planning Commission Recommendation
3-Draft Ordinance 2016-1097
ZONING CHANGE APPLICATION

PO Box 371  Stevenson, Washington  98648
Phone: (509)427-5970  Fax: (509)427-8202

Request:
☐ Intent to Rezone  ☐ Map Boundary Change  ☐ Text Amendment

Applicant/Contact: Aspen Development, LLC
Mailing Address: 150 Lombard Street, Suite 1, San Francisco, CA 94111
Phone: 415-990-8144  Fax: 415-421-2846
E-Mail Address (Optional): ren@sfrses.com

Property Owner: Same and Chinidere, LLC
Mailing Address: 1205 NW 25th Circle, Camas, WA 98607
Phone: Fax:

If There are Additional Property Owners, Please Attach Additional Pages and Signatures as Necessary

Subject Property Address (Or Nearest Intersection): Lutheran Church Road & Fir Street

Lot Size:  Proposed Zoning: R1

Brief Narrative of Request: To better align zoning boundaries with multi-family restrictions placed on the Chinidere Mountain Estates preliminary plat. Rezoning will remove the possibility of multifamily construction on Phases 1 and 4, and limit where the 4 allowed multi-family lots are allowed to smaller area of Phases 2 and 3.

Water Supply Source: City  Sewage Disposal Method: City

I/we hereby provide written authorization for the City to reasonably access to the subject property to examine the proposal and carry out the administrative duties of the Stevenson Municipal Code.

I/we hereby certify my/our awareness that application fees are non-refundable, there is no guarantee that a permit will be issued, and that any permit issued as a result of this application may be revoked if at any time in the future it is determined that the statements in support of this application are false or misleading.

Incomplete applications will not be accepted.  ◦ Please ensure that all submittals are included

Signature of Applicant: ___________________________________________ Date: 7/25/16

Signature of Property Owner: ________________________________________ Date:

For Official Use Only:
Date Application Received  ◦ Date Application Complete

ZoneChangeApplication2012.docx  Page 1 of 2
July 27, 2016

Ben Shumaker
Planning Director
City of Stevenson
7121 E. Loop Road
Stevenson, Washington 98648
P.O. Box 371

Re: Rezone application for Chinidere Mountain estates.

Dear Ben,

Per our discussion, this letter formalizes our request to rezone the 4 phases of Chinidere Mountain Estates. The purpose is to rezone Phases one and four to R-1 only and to have Phase 2/3 have partial zoning of R-1 and R-3 allowing 4 individual lots(as yet undetermined to be multi-family) in Phase 2/3. I have attached a copy of the application and accompanying map, which you have, and an agreement between Aspen Development and Chinidere, LLC acknowledging that Phase 4 would not have any rights to multi-family designation. This agreement has been approved by both Aspen, and Chinidere and is in circulation for execution.

This rezone will simplify the mapping process in the future and limit the possibility of multi-family.

Sincerely,

[Signature]

Ren Grendahl
RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:

STEVE C. MORASCH
Landerholm, P.S.
P.O. Box 1086
Vancouver, WA 98666-1086

GRANTOR: CHINIDERE, LLC and ASPEN DEVELOPMENT, LLC, a Washington limited liability company

GRANTEE: CHINIDERE, LLC and ASPEN DEVELOPMENT, LLC, a Washington limited liability company

ABBREVIATED LEGAL: 

ASSESSOR’S TAX PARCEL NOS.: Tax Parcel Nos. ________________

OTHER REFERENCE NOS.: None _______________________

FIRST AMENDMENT TO SUBDIVISION TRANSFER AGREEMENT

This First Amendment to Subdivision Transfer Agreement ("First Amendment") is made as of this _____ day of __________, 2016, by and between Chinidere, LLC ("Chinidere"), and Aspen Development, LLC, a Washington limited liability company, the successor in interest to Regal-A-Land Acquisition and Development, LLC ("Aspen").

RECITALS

A. This First Amendment amends that certain Subdivision Transfer Agreement dated May 30, 2008, by and between Chinidere and Aspen’s predecessor in interest, which was recorded on June 2, 2008, at Document No. 2008170079 of the official records of Skamania County;
B. On or about July 11, 2016, the City of Stevenson Planning Commission approved variance request (VAR2016-01) to remove condition #8 of the preliminary plat approval;

C. The parties' desire to amend the Subdivision Transfer Agreement for consistency with the City of Stevenson decision in VAR2016-01 and to clarify certain provisions of the Subdivision Transfer Agreement with respect to its binding effect on successors in interest, termination and multi-family lots.

NOW THEREFORE, in consideration of the mutual promises contained herein, the parties' agreement to amend the terms of the Subdivision Transfer Agreement as follows:

1. Section 2 of the Subdivision Transfer Agreement is deleted and replaced with the following:

    "2. Development of Phase IV. Chinidere shall be responsible for satisfying all development requirements for Phase IV (Lot 2 of the Feliz short plat). Chinidere shall be obligated to obtain final plat approval for Phase IV.”

2. Section 5 of the First Amendment to Subdivision Transfer Agreement shall be deleted and replaced with the following:

    "5. Binding Effect and Third Party Enforcement Rights. This Subdivision Transfer Agreement shall be binding upon and inure to the benefit of the executing parties and their respective successors, assigns, heirs, executors, and administrators, for so long as the property (or individual phase) remains unplatted. The rights and responsibilities under this Subdivision Transfer Agreement shall not be binding upon or inure to the benefit of individual lot owners once a plat has been recorded. Further, once all phases of the subdivision have been recorded and Lots 39, 40 and 41 of Phase II have been transferred to Chinidere pursuant to the PSA, this Subdivision Transfer Agreement, and all amendments thereto, shall automatically terminate and thereafter be of no further force and effect.”

3. A new Section 9 shall be added to the Subdivision Transfer Agreement as follows:
9. Multi-Family Lots. The four lots reserved for multi-family construction referred to in Condition 7 of the Preliminary Plat approval shall be in Phases I, II and/or III, as specified by Aspen. To the extent that the City of Stevenson requires further approvals to implement these four multi-family lots, Aspen shall be responsible for obtaining any such approvals. Chinidere will reasonably cooperate in obtaining any such approvals at no cost to Chinidere.

4. Unless otherwise stated in this First Amendment, all capitalized terms used herein shall have the same definition as in the Subdivision Transfer Agreement.

5. To the extent there is a conflict between this First Amendment and the Subdivision Transfer Agreement, the provision of this First Amendment shall control.

6. Except as modified herein, the provisions of the Subdivision Transfer Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this First Amendment on the date and year first written above.

CHINIDERE, LLC

By: ___________________________________________
Title: __________________________________________

ASPEN DEVELOPMENT, LLC, a Washington limited liability company

By: __________________________________________
Title: __________________________________________
STATE OF WASHINGTON )
 ) ss.
County of ____________________________

I certify that I know or have satisfactory evidence that is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as __________________________ of CHINIDERE, LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.


NOTARY PUBLIC in and for the State of Washington, residing at __________________________
My appointment expires: __________________________

STATE OF WASHINGTON )
 ) ss.
County of ____________________________

I certify that I know or have satisfactory evidence that is the person who appeared before me, and said person acknowledged that he/she signed this instrument, on oath stated that he/she was authorized to execute the instrument and acknowledged it as __________________________ of ASPEN DEVELOPMENT, LLC to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.


NOTARY PUBLIC in and for the State of Washington, residing at __________________________
My appointment expires: __________________________
CITY OF STEVENSON, WASHINGTON

ORDINANCE NO. 2014-1077

AN ORDINANCE REZONING ~1 ACRE OF LAND IN THE CHINIDERE SUBDIVISION FROM R3 MULTI-FAMILY TO R1 SINGLE FAMILY, ADOPTING A NEW EDUCATION DISTRICT AND AMENDING THE DEFINITIONS SECTION OF THE STEVENSON ZONING CODE (SMC TITLE 17); AND REPEALING PORTIONS OF ORDINANCES 894 AND 1030.

RECITALS

WHEREAS, the Stevenson Comprehensive Plan contains a Future Land Use Map designating areas where certain zoning changes may be considered necessary;

WHEREAS, the amended “Zoning Map, City of Stevenson” contained herein implements Objectives 2.7-2, 2.7-5, 2.14, 3.1, 3.2-2 and the designations of the Future Land Use Map of the Stevenson Comprehensive Plan; and

WHEREAS, the City Council has annexed the subject property with Ordinance 985, adopted on March 18th, 2004, and zoned the property through Ordinance 986, also adopted on March 18th, 2004,

WHEREAS, the zoning discussion established combined designations of the subject property as R1 Single-Family and R3 Multi-Family residential and envisioned establishing a more exact delineation of the zone boundary when a subdivision is proposed.

WHEREAS, the Chinidere Mountain Estates subdivision proposal has enabled a more exact delineation of the zone boundary.

WHEREAS, the City Council deems the zoning provisions of this ordinance necessary for the purpose of securing and promoting the health, safety and general welfare of the people of the City; and

WHEREAS, the City Council has given due public notice of a public hearing relating to this ordinance and has held such hearing;

WHEREAS, the City has determined this non-project action is exempt from threshold determination requirements of the State Environmental Policy Act according to WAC 197-11-800(19)(a);

AND WHEREAS, the Planning Commission has reviewed and recommended Council action on this proposal.

NOW, THEREFORE, the City Council of the City of Stevenson do ordain as follows:

Section 1- THAT, the “Zoning Map, City of Stevenson” shall be updated as presented in reduced form in Exhibit A to effectuate the rezoning certain properties within the City:

1.1 The Chinidere, LLC property (Tax Lot #03-75-30-0500) shall be rezoned to be wholly within the R1 Single-Family Residential District.

1.2 A portion of the Aspen Development, LLC property (Tax Lot #03-75-30-1200) shall be rezoned from R1 Single-Family Residential to R3 Multi-Family Residential. [The line separating the districts shall be drawn along the centerline of Lutheran Church Road near Phase 1, continue along the Phase 2 phaseline include southernmost 3 lots of Phase 3 as displayed on the approved construction drawings of July 29th, 2008] OR [The line separating the districts shall be drawn along the centerline of Brady Lane continuing along the northern boundary of Phase 2 and including the southernmost 3 lots of Phase 3 as displayed on the approved construction drawings of July 29th, 2008].
Section 2- THAT, this ordinance affects Title 17 of the Stevenson Municipal Code only insofar as set forth herein. All other provisions of Title 17 shall remain in full force and effect, and that where the provisions of this ordinance are the same as the provisions they replace, the provisions of this ordinance shall be interpreted as a continuation of those previous provisions and not as a new enactment.

Section 3- THAT, 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 portions of this ordinance.

This Ordinance shall take effect and be in force five (5) days after its publication according to law.

PASSED by the City Council of the City of Stevenson and approved by the Mayor this _____ day of _____________________, 2016.

Mayor of the City of Stevenson

ATTEST:

Clerk of the City of Stevenson

APPROVED AS TO FORM:

KEN WOODRICH, Attorney for the City of Stevenson