

Staff Report
August 13, 2019
Kamas City Council

Subject: Amendment to Section 15.03, "Administration and Enforcement" of the Kamas Municipal Code

History:

The Moderate Income Housing ordinance was adopted by City Council on July 9, 2019 as Section 15.36 in the Kamas Municipal Code. This ordinance was edited to be a voluntary effort on the part of the developer rather than a requirement at the advice of City Attorney, David Church.

The Section that is proposed to be amended is listed below. The suggested sentence in the rezone process was authored by David Church and is **bold**. The Planning Commission needs to decide on a percentage.

In a recent rezone application process, Allen McNeil mentioned that a rezone is very difficult to pass with the wording as presented in the Code. Therefore, suggested edits in ***bold italics*** are below to address that comment.

Section 15.03.010 Amendments to the Land Use Code or Map

Amendments to this Land Use Ordinance shall be made in the following manner:

1. Application: An applicant must file a written request for an amendment with the City Planner. The City Council, Planning Commission, or owner applicant may initiate an amendment as provided below. An owner applicant shall pay the filing fee prescribed by resolution, and shall file an application, which shall include, without limitation:
 - a) Stamped and addressed envelopes of all owners of all property for which the amendment is requested and for all property within one thousand feet (1000') of the boundaries of the area for which the amendment is requested.
 - b) The legal description of all property included.
 - c) Physical address of property, and
 - d) A written statement addressing the criteria required for approval pursuant to this Section.
2. Hearings before Planning Commission: The Planning Commission shall hold a public hearing on all amendments to this Land Use Ordinance or to the Land Use Zoning Map. The City Planner shall cause a notice, including a description of the property for which the zoning amendment is requested, a brief explanation of the proposed zoning, and the date, place and time of the public hearing, to be prepared as provided in this Section. The purpose of the notice is to reasonably inform surrounding property owners and jurisdictions of the application. No minor omission or defect in the notice or mailing shall be deemed to impair the validity of the proceedings to consider the application.
3. Action by Planning Commission: Following the public hearing, the Planning Commission shall adopt a recommendation to the City Council, advising the Council to approve, disapprove, or modify the proposal. If the Planning Commission fails to take action within sixty (60) days of the close of the public hearing, the City Council shall consider the matter forwarded from the Planning Commission with a negative recommendation.

4. City Council: The City Council may hold a public hearing for proposed amendments to this Land Use Ordinance or Land Use Zoning Map if forwarded from the Planning Commission.
5. Criteria/Required Findings: The City's land use zoning is the result of a detailed and comprehensive appraisal of the City's present and future land use allocation needs. In order to establish and maintain sound, stable, and desirable development within the City, rezoning of land is to be discouraged and allowed only under the limited circumstances herein described. Therefore, the Planning Commission may recommend, and the City Council may grant a rezoning application **only** if it determines that the rezoning is consistent with the policies and goals of the Kamas City General Plan and that the applicant has demonstrated that:
 - a) The proposed rezoning is ~~necessary either to comply with the Kamas City General Plan, proposed Land Use Map, or~~ to will provide land for a community need that was not anticipated at the time of adoption of the Kamas City General Plan, **or**
 - b) The existing zoning was either the result of a clerical error or a mistake of fact, or that it failed to take into account the constraints on development created by the natural characteristics of the land, including but not limited to steep slopes, floodplain, unstable soils, and inadequate drainage, or
 - c) The land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changed character of the area.
6. Considerations: **No zone change request that involves an increase of residential density will be granted by the City Council unless at least [20%] % of the increased density is dedicated to Moderate Income Housing.** Section 15.36

Recommendation: On August 6, 2019, Planning Commission decided to forward these changes to City Council with a positive recommendation, choosing 20% as the percentage penned by David Church.