



Community Development Department

## Staff Report

### Minor Amendments to Title 16 Environment of Camas Municipal Code File #MC16-06

**To:** Mayor Higgins  
City Council

Public Hearing: To be determined

**From:** Sarah Fox, Senior Planner on behalf of the Planning Commission

**Report Date:** December 23, 2016

**Date:**

*Public Notices:* Notice of the public hearing before Planning Commission was published in the Post Record on December 8 and 15, 2016 (Legal Publication #573825).

*Compliance with state agencies:* Expedited review was requested on December 5, 2016 and was granted by the Department of Commerce on December 6, 2016, with Material ID # 23141. A State Environmental Policy Act Determination will be issued at least fifteen (15) days prior to a public hearing before City Council.

#### Summary

As part of a periodic code improvement project, the proposed minor amendments to Title 16 Environment of the Camas Municipal Code (CMC) include updates due to changes of state law, corrections to typos, or to clarify sections that may have been challenging to administer since the past review cycle.

A public hearing before Planning Commission was held on December 20, 2016. The Commission unanimously recommended approval.

#### **Staff has proposed amendments within the following chapters of Title 16 Environment:**

Chapter 16.01 General Provisions	Chapter 16.33 Public View, Open Space Protection and Historic Sites and Structures
Chapter 16.07 Categorical Exemption and Threshold Determinations	Chapter 16.35 Historic Preservation
Chapter 16.13 SEPA and Agency Decisions and Appeals	Chapter 16.51 General Provisions
Chapter 16.19 Fees	Chapter 16.53 Wetlands
Chapter 16.21 Forms	Chapter 16.61 Fish and Wildlife Habitat Conservation Areas
Chapter 16.31 Archaeological Resource Preservation	

The proposed CMC amendments are provided with the two attachments. Attachment 1 shows the draft changes as strike-through text or underlined. Attachment 2 provides the amendments without any mark-ups. Both attachments include the same amendments, only illustrated differently.

## Title 16 Environment

### Chapter 16.01 General Provisions

Interestingly, there are eleven chapters of provisions for the State Environmental Policy Act (SEPA), with only one chapter that includes in its label, "SEPA" (16.01 to 16.21). Amendments to this chapter include adding "SEPA" to key chapter headings, which will assist with way finding when searching the online code.

### Chapter 16.07 Categorical Exemption and Threshold Determinations

The city is allowed to establish SEPA exempt levels for minor new construction, if consistent with the thresholds provided for in WAC197-11-800(1)(b). The state raised exemption levels this year and the proposed amendments comply with those thresholds. Staff provided the state law maximum allowances as a comment within Attachment 1 (page 2). The changes also include formatting the exemptions list in a table format, which is how the state law presents this information.

### Section 16.13.060 Appeal

The current section required that an appeal of a SEPA determination must be referred to City Council if it was rendered by the non-elected SEPA Official. This procedure is inconsistent with the powers designated to the city's Hearings Examiner at Section 2.15.080; which includes certain land use decisions to include SEPA appeals and Type II permit appeals.

### Chapter 16.19 Fees

The changes proposed to this section include formatting, eliminating section headings and combining a few sections. No fees are listed in this chapter and no changes to fees were proposed.

### Chapter 16.21 Forms

The proposal to repeal this chapter is due to the fact that the city creates its own forms and updates them as needed. The forms are substantially similar to the model forms provided by the Department of Ecology.

### Chapter 16.31 Archaeological Resource Preservation

The amendments to this chapter are to incorporate policies that will be deleted from Chapter 16.33 and to clarify how the city reviews and processes archaeological reports. There are also current provisions in regards to the tribal notification process that requires considerable staff time to track postal receipts, when electronic submissions would be more efficient and as reliable.

### Chapter 16.33 Public View, Open Space Protection and Historic Sites and Structures

The title of this chapter is proposed to change to, "Public View & Open Space Protection" given that policies regarding historic sites should more appropriately be organized under Chapter 16.31 Archaeological Resource Preservation or Chapter 16.35 Historic Preservation.

Also, the current title did not include all of subsections contained within it. For example, the chapter currently includes policies in regard to transportation, public facilities and water. Those sections are proposed to be removed, due to the fact that the city adopted new policies for transportation and public facilities as part of the comprehensive plan update, Camas 2035, in June of this year.

The subsection regarding public views was amended to require a visual assessment for a new development that could impact a public view (page 13, Section 16.33.010-C). As a start, the proposed requirements are based on the Department of Transportation view analysis standards for transportation projects.

### Chapter 16.35 Historic Preservation

The amendments to this section include fixing typos and to change the name of the Clark County Board of Commissioners to the “Board of County Councilors”. The three-member council was expanded on January 1, 2016 to five members by a home rule charter that was adopted by voters in 2014.

### Chapter 16.51 General Provisions

Staff proposes to amend provisions for vegetation removal permits in critical areas. The vegetation removal permit would remain exempt from fees, but the specific provisions that allow trees to be removed would be clarified. Currently the code uses the terminology “topping” and allows it in certain circumstances. Tree topping is not an approved method of abatement by certified arborists, and the code is proposed to reflect current practices. Notice that the definitions were abbreviated from the November draft version based on the discussion at that workshop.

There are also amendments to Section 16.51.210, which concerns fencing and signage of critical areas. These provisions are currently listed as discretionary options, which means that they often become mitigation measures under SEPA. If these regularly conditioned items were adopted into CMC, then those same developments could likely have received unmitigated SEPA determinations.

### Chapter 16.53 Wetlands

The amendments include removing references to shoreline compliance, which were inadvertently added with the mandated updates to wetland regulations in 2015.

### Chapter 16.61 Fish and Wildlife Habitat Conservation Areas

Similar to Chapter 16.53, the amendments within this chapter include removing references to shoreline compliance, which were inadvertently added with the mandated updates to wetland regulations in 2015. References to “lakes” were also removed due to the fact that all lakes in Camas are within shoreline jurisdiction and are subject to the regulations contained within the Camas Shoreline Master Program.

## Recommendation

Staff recommends that Council set a date for a public hearing to review the amendments that were forwarded by the Planning Commission.