



STAFF REPORT
LIMITED AMENDMENT TO THE CAMAS SHORELINE MASTER PROGRAM
WETLAND REGULATIONS

File #MC 15-02
January 13, 2015

To: Bryan Beel, Chair
Planning Commission

Public Hearing: January 21, 2015

From: Sarah Fox, Senior Planner

Compliance with state agencies: Notice of the public hearing before Planning Commission was published in the Camas Post Record on January 13, 2015 (publication no. 526907).

SUMMARY

The proposed limited amendments to the Camas Shoreline Master Program (SMP), specifically Appendix C, Chapter 16.53 Wetlands, are intended to comply with new mandates from the Department of Ecology (Ecology), which went into effect on January 1, 2015. The memorandum that is attached to this report from the Department of Ecology entitled, 2014 Updates to the Washington State Wetland Rating Systems (Attachment B), provides a summary of the changes to the law and the purpose. Although the Camas Municipal Code wetland provisions were adopted on January 5, 2015, by Ordinance 15-001, those updates are not adopted by reference in the SMP.

ANALYSIS

The proposed amendments to the SMP, Appendix C, Chapter 16.53 Wetlands, are intended to comply with state mandates. Ecology updated their wetland guidance manuals and method of scoring to be consistent with revised federal standards. The wetland scoring system is the most evident change to the regulations.

Staff also received guidance from Ecology (Attachment C), which was specific to the city's municipal code update. The critical area regulations within the city's municipal code are substantially similar (not identical) to the provisions within the SMP, which is why Attachment C is included with this report. The amendments that were adopted with Ordinance 15-001, are similar to the amendments that are proposed for the limited SMP amendment, however the process of amending the SMP differs from amending the municipal code. Ecology must ultimately approve the amendments to the SMP; after the city's final decision is rendered per RCW 90.58.090 of the Shoreline Management Act (SMA). Washington Administrative Codes (WAC) Section 173.26.100, describes the process, and subsection 201, requires that the city provide evidence that the amendments will result in no net loss of ecological functions. The state code is in italics below.

WAC§173.26.201(c) *"Limited master program amendments may be approved by the department provided the department concludes:*

(i) The amendment is necessary to:

- (A) Comply with state and federal laws and implementing rules applicable to shorelines of the state within the local government jurisdiction;*
- (B) Include a newly annexed shoreline of the state within the local government jurisdiction;*
- (C) Address the results of the periodic master program review required by RCW 90.58.080(4), following a comprehensive master program update;*

- (D) Improve consistency with the act's goals and policies and its implementing rules; or*
(E) Correct errors or omissions.

Findings: The limited amendments to the SMP, Appendix C, Chapter 16.53 Wetlands are intended to comply with state and federal laws, per "A", and will be consistent with the SMA's goals and policies per "D". The city has not annexed new shoreline areas per "B". The amendments are limited to the wetland regulations, and is not a periodic updates of the SMP, per "C"

- (ii) The local government is not currently conducting a comprehensive shoreline master program update designed to meet the requirements of RCW 90.58.080, unless the limited amendment is vital to the public interest;*

Findings: True. The city is not conducting a comprehensive shoreline master program update.

- (iii) The proposed amendment will not foster uncoordinated and piecemeal development of the state's shorelines;*

Findings: True. The limited amendments to the SMP, Appendix C, Chapter 16.53 Wetlands will avoid inconsistencies with development standards.

- (iv) The amendment is consistent with all applicable policies and standards of the act;*

Findings: The limited amendments to the SMP will be consistent with the policies and standards of state and federal regulations.

- (v) All procedural rule requirements for public notice and consultation have been satisfied; and*

Findings: A public notice was published and distributed on January 13, 2015, prior to the public hearing that will be held on January 21, 2015. The city will send notices to the Department of Commerce and Ecology as required 60-days prior to the anticipated final decision of Council. The city will also issue a SEPA determination and distribute it to the applicable agencies.

- (vi) Master program guidelines analytical requirements and substantive standards have been satisfied, where they reasonably apply to the limited amendment. All master program amendments must demonstrate that the amendment will not result in a net loss of shoreline ecological functions."*

Findings: The limited amendment will be consistent with changes required by state mandate, and no local ecological analysis has been conducted.

RECOMMENDATION

That Planning Commission conduct a public hearing, deliberate, and forward a recommendation of approval to City Council.