



STAFF REPORT
Revision to Shoreline Substantial Development
For the Overlook Deck

File No. SHOR14-06

Staff Report Date: September 25, 2015

To: Shoreline Management Review Committee **Applicant:** City of Camas, Parks Division

Public Meeting: September 29, 2015

Location: The project is located approximately 1,000 feet west of NE 3rd Avenue and SE Yale Street, Camas, WA 98607. SE ¼ of Sec. 12, T01N, R03E, Willamette Meridian, Clark County.

Notice of 21-day Comment Period: Notice of the application was mailed to property owners within 300-feet of the project on August 18, 2014, and posted at City Hall, Camas Library, and the Post Office.

APPLICABLE LAW

The application was submitted on August 14, 2015. The applicable codes are those codes that were in effect on the date of application, to include Camas Municipal Code (CMC) Title 17 Land Development and Title 18 Zoning; the Camas Shoreline Master Program (Ord. 15-007) consolidated with Critical Area Review within Appendix C (SMP); and the Shoreline Management Act (RCW 90-58)(WAC 173-27). **Note: Camas Shoreline Master Program (SMP) citations are in italics throughout this report.**

STANDARDS FOR EVALUATION

- **Revisions to Shoreline Substantial Development Permits** must be within the scope and intent of the original permit.

SUMMARY

The original permit, which was locally approved October 30, 2014, was for the purposes of constructing an overlook deck with a path connection to the Washougal River Greenway Trail. The deck area was approximately 650 square feet, and consisted of plastic lumber material with cedar posts that would be anchored into precast concrete footings. The path was approximately 50-feet long by five feet wide.

long by five feet wide.

	<i>Deck/Patio</i>	<i>Path Area</i>	<i>Total Area</i>	
The proposed changes to the design of the project is due to budget limitations. Instead of a raised deck, a concrete terrace is proposed.	<i>Original</i>	650	250	900
	<i>Revised</i>	390	350	740

The trail will be 70-feet long, and the terrace will be approximately 390 square feet.

The standards for evaluating revisions to shoreline permits are found at SMP Appendix B, Section XIV. The Shoreline Management Review Committee must evaluate the changes to determine if they are within the scope and intent of the original permit. The SMP defines "scope and intent" at subsection "A" as follows:

"Within the scope and intent of the original permit" means all of the following: (1) no additional over-water construction is involved except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less; (2) ground area coverage and height of each structure may be increased a maximum of ten percent from the provisions of the original permit; (3) the revised permit does not authorize development to exceed height, lot coverage, setback or any other applicable requirements of the Program or CMC except as authorized under a variance granted as the original permit or part thereof; (4) additional landscaping is consistent with conditions (if any) attached to the original permit and currently adopted Program; (5) the use authorized pursuant to the original permit is not changed; and (6) no adverse environmental impact will be caused by the project revision.

The following report will recommend approval of the proposed revisions.

CRITERIA FOR APPROVAL SMP Appendix B, XIV

"Within the scope and intent of the original permit" shall mean all of the following:

(1) No additional over-water construction is involved except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less;

FINDINGS: The proposed project is not overwater, therefore this criterion is inapplicable.

(2) Ground area coverage and height of each structure may be increased a maximum of ten percent from the provisions of the original permit;

FINDINGS: The original permit included 900 square feet of ground area coverage, and the revision will reduce that area to approximately 740 square feet.

(3) The revised permit does not authorize development to exceed height, lot coverage, setback or any other applicable requirements of the Program or CMC except as authorized under a variance granted as the original permit or part thereof;

FINDINGS: The proposed modification does not include any structures, and the impacts are setback at the same distance as the original permit.

(4) Additional landscaping is consistent with conditions (if any) attached to the original permit and currently adopted Program;

FINDINGS: The application for the modification included a terrace drawing (Sheet L1.1) and details of the construction of the terrace. The drawings did not include a landscape plan. Landscaping is necessary to mitigate for the impacts of the development within the 150-foot riparian buffer. A condition requiring a landscape and planting plan will be recommended.

(5) The use authorized pursuant to the original permit is not changed;

FINDINGS: The modification will affect the design, however the proposed recreational use of the site has not changed.

(6) No substantial adverse environmental impact will be caused by the project revision.

FINDINGS: The original permit included a critical area report and planting plan. The revised project will result in less area developed.

MASTER PROGRAM GOALS AND POLICIES (Chapter 3)

The development is within the Washougal River Greenway, which is designated as a shoreline of statewide significance, and as such, additional regulations are applicable. The first priority of SMP Chapter 3, §3.2(1) - Shorelines of Statewide Significance requires consistency with the statewide interest. The SMP also states that those uses that are inconsistent with the following should not be allowed in the shorelines. The additional factors for consideration include:

a. Recognize and protect the statewide interest over local interest;

FINDING: The project is consistent with the state's goals for access to the water.

b. Preserve the natural character of the shoreline;

FINDING: The revised plans did not include a mitigation planting plan. A condition to this affect is warranted.

c. Result in long term over short term benefit;

FINDING: The terrace and path will be constructed of durable paving materials.

d. Protect the resources and ecological function of the shoreline;

FINDING: The project is designed to minimize impacts to the shoreline, and will provide a location for viewing the ponds.

e. Increase public access to publicly-owned areas of the shorelines;

FINDING: The project will increase access to the ponds by supporting passive outdoor recreation, such as bird watching and wildlife, and photography.

f. Increase recreational opportunities for the public in the shoreline; and

FINDING: The project will increase public access for those with mobility impairments.

SMP Chapter 3, §3.2(2) Uses that are not consistent with these policies should not be permitted on SSWS.

FINDING: The development of trails and viewing areas are consistent with the SMP as noted above.

SMP Chapter 3, §3.2 (3) Those limited shorelines containing unique, scarce and/or sensitive resources should be protected.

FINDING: The proposed location is within an already disturbed area.

SMP Chapter 3, §3.2(4) Development should be focused in already developed shoreline areas to reduce adverse environmental impacts and to preserve undeveloped shoreline areas. In general, SSWS should be preserved for future generations by 1) restricting or prohibiting development that would irretrievably damage shoreline resources, and 2) evaluating the short-term economic gain or convenience of developments relative to the long-term and potentially costly impairments to the natural shoreline.

FINDING: Staff finds that the general policies of Chapter 3 are satisfied with the proposed development, and are not in conflict.

MASTER PROGRAM GOALS AND POLICIES FOR PUBLIC ACCESS & RECREATION (Chapter 3)

Goal 3.7.1, "The goal of public access and recreation is to increase the ability of the general public to enjoy the water's edge, travel on the waters of the state, and to view the water and shorelines from adjacent locations."

FINDING: The development is consistent with the goals for public access.

The SMP contains six policies relating to public access and recreation. The proposed project is within a public park, and is intended to increase passive recreational opportunities.

Policies 3.7.2

1. *Provide, protect, and enhance a public access system that is both physical and visual; utilizes*

both private and public lands; increases the amount and diversity of public access to the State's shorelines and adjacent areas; and is consistent with the shoreline character and functions, private rights, and public safety.

FINDING: The development will provide public access to the shoreline.

2. Increase and diversify recreational opportunities by promoting the continued public acquisition of appropriate shoreline areas for public use, and develop recreation facilities so that they are distributed throughout the community to foster convenient access.

FINDING: The development will provide access to the mobility impaired.

3. Locate public access and recreational facilities in a manner that encourages variety, accessibility, and connectivity in a manner that will preserve the natural characteristics and functions of the shoreline. Public access includes both active and passive recreational activities (e.g. trails, picnic areas, viewpoints)

FINDING: The development consists of a trail and a viewpoint, which are consistent with this policy.

4. Coordinate public access provisions consistent with adopted city trail system.

FINDING: The development is part of the public trail network.

5. Encourage public access as part of each development project by a public entity and for all private development unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.

FINDING: This is not a private development, it is a public park.

6. Discourage shoreline uses that curtail or reduce public access unless such restriction is in the interest of the environment, public health, and safety, or is necessary to a proposed beneficial use.

FINDING: The development is consistent with the goals for public access, health and safety.

GENERAL SHORELINE USE AND DEVELOPMENT REGULATIONS (Chapter 5)

Within this chapter of the SMP are standards regarding site planning, clearing, grading, fill, vegetation conservation and visual access. In every applicable regulation, the project is consistent with the requirements. With the original permit the applicant provided a Wetland Delineation and Assessment; Fish & Wildlife Habitat Conservation Areas Report; Frequently Flooded Areas Technical Memorandum; and Stormwater Technical Memorandum; to support the following findings.

SMP Section 5.1 includes 12 general regulations for development, and they are as follows:

1. Shoreline uses and developments that are water-dependent shall be given priority.

FINDING: The project are is not water-dependent; however it does not preclude other shoreline uses or activities.

2. Shoreline uses and developments shall not cause impacts that require remedial action or loss of shoreline functions on other properties.

FINDING: Best management practices will be followed during construction as required.

3. Shoreline uses and developments shall be located and designed in a manner such that shoreline stabilization is not necessary at the time of development and will not be necessary in the future for the subject property or other nearby shoreline properties unless it can be

demonstrated that stabilization is the only alternative to protecting public safety and existing primary structures.

FINDING: The project has been designed without the need for shoreline stabilization.

4. Land shall not be cleared, graded, filled, excavated or otherwise altered prior to issuance of the necessary permits and approvals for a proposed shoreline use or development to determine if environmental impacts have been avoided, minimized and mitigated to result in no net loss of ecological functions.

FINDING: The development will proceed when approvals are granted.

5. Single family residential development shall be allowed on all shorelines except the Aquatic and Natural shoreline designation, and shall be located, designed and used in accordance with applicable policies and regulations of this Program.

FINDING: This is not a residential development.

6. Unless otherwise stated, no development shall be constructed, located, extended, modified, converted, or altered or land divided without full compliance with CMC Title 17 Land Development and CMC Title 18 Zoning.

FINDING: This is not a land division proposal, or a development that requires permits through Title 17 and Title 18 of the Camas Municipal Code, as it does not create more than 1,000 square feet of impervious surface.

7. On navigable waters or their beds, all uses and developments should be located and designed to: (a) minimize interference with surface navigation; (b) consider impacts to public views; and (c) allow for the safe, unobstructed passage of fish and wildlife, particularly species dependent on migration.

FINDING: This development will not be in the Aquatic environment.

8. Hazardous materials shall be disposed of and other steps be taken to protect the ecological integrity of the shoreline area in accordance with the other policies and regulations of this Program as amended and all other applicable federal, state, and local statutes, codes, and ordinances.

FINDING: Best management practices will be followed during construction as required.

9. In-water work shall be scheduled to protect biological productivity (including but not limited to fish runs, spawning, and benthic productivity). In-water work shall not occur in areas used for commercial fishing during a fishing season unless specifically addressed and mitigated for in the permit.

FINDING: This development will not be in the Aquatic environment.

10. The applicant shall demonstrate all reasonable efforts have been taken to avoid, and where unavoidable, minimize and mitigate impacts such that no net loss of critical area and shoreline function is achieved. Applicants must comply with the provisions of Appendix C with a particular focus on mitigation sequencing per Appendix C, Section 16.51.160 Mitigation Sequencing. Mitigation Plans must comply with the requirements of Appendix C, Section 16.51.170 Mitigation Plan Requirements, to achieve no net loss of ecological functions.

FINDING: The development has demonstrated that efforts have been taken to avoid and minimize impacts. A mitigation planting plan is warranted and will be conditioned.

11. The effect of proposed in-stream structures on bank margin habitat, channel migration, and floodplain processes should be evaluated during permit review.

FINDING: This development will not be in the Aquatic environment.

12. Within urban growth areas, Ecology may grant relief from use and development regulations in accordance with RCW 90.58.580, and requested with a shoreline permit application.

FINDING: The project is within city limits.

CRITICAL AREAS PROTECTION (Section 5.3)

The development area includes the following critical areas as regulated by the SMP: Wetlands; and Habitat and Conservation Areas. The project has been designed to avoid wetland and buffer impacts; however a portion of the project will be located within a riparian buffer. The project is considered exempt from the requirement of critical area permit requirements, as it is a “passive outdoor activity”. In accordance with SMP Appendix C, Section 16.51.100 (B), “*Exempt activities shall avoid impacts to critical areas. All exempted activities shall use reasonable methods to avoid potential impacts to critical areas.*”

FINDING: The project does not impact the Type IV wetland and buffer area, however it is located in the habitat buffer. The location of the improvements appear to be the greatest distance possible, and still function as a viewpoint for the ponds.

SPECIFIC SHORELINE USE REGULATIONS (Chapter 6)

In the Natural Shoreline Environment, recreational development that is considered “Water enjoyment” must be setback 20 feet, unless it is a building, then the setback is 100 feet. The deck is setback 25 feet, to avoid the wetland buffer area, and exceeds the development standard of 20 feet. Recreational development is specifically addressed at **SMP Section 6.3.11** and includes 11 regulations (pages 6-19 and 6-20). The following regulations are enumerated and in italics.

- 1. Water-oriented recreational uses and developments are preferred.*

FINDINGS: The development is water-oriented.

- 2. Trails shall be designed and constructed in substantial compliance with the standards of the Camas Park, Recreation and Open Space Comprehensive Plan, Design & Development Guidelines (2007, Appendix A), with the constructed width varying by trail type and critical area protection.*

FINDINGS: The development is publicly funded and will be developed consistent with the city’s trail guidelines.

- 3. Recreation areas or facilities on the shoreline shall provide physical or visual public access in accordance with Section 5.5.*

FINDINGS: The development will provide visual access.

- 4. Parking areas that are assessorly to recreational uses shall be located upland a minimum of one hundred and fifty (150) feet away from the immediate shoreline, with pedestrian trails or walkways providing access to the water.*

FINDINGS: Parking is not proposed with this project as it is already available approximately 1,000 feet east of the subject site.

5. *All permanent, substantial, recreational structures and facilities shall be located outside officially mapped floodways. The Administrator may grant exceptions for non-intensive minor accessory uses (including but not limited to, picnic tables or playground equipment).*

FINDINGS: The original application included a Frequently Flooded Areas Technical Memorandum to address compliance with this provision.

6. *Parks and trailheads shall be provided with restrooms with hand washing facilities in accordance with public health standards and without adversely altering the natural features attractive for recreational uses.*

FINDINGS: The development will be an amenity to the existing park.

7. *Recreational facilities shall make adequate provisions, such as densely vegetated buffer strips, screening, fences, and signs, to protect the value and enjoyment of adjacent or nearby private properties and natural areas from trespass, overflow and other possible adverse impacts.*

FINDINGS: The subject site is not adjacent to residential development.

8. *Provisions shall be made for the protection of water areas from drainage and surface runoff in all recreational developments requiring the use of fertilizers and pesticides in areas adjacent to shorelines, such as in play fields and golf courses.*

FINDINGS: The development will not require ongoing maintenance and fertilizers.

9. *Golf course structures (clubhouses and maintenance buildings) that are non-water-oriented shall be located no closer than one hundred (100) feet from the OHWM.*

FINDINGS: The application does not include a golf course.

10. *Tees, greens, fairways, golf cart routes, and other site development features shall be located no closer than two hundred (200) feet from the OHWM to the extent practicable. If golf cart routing is combined with public access trails, it may be located one hundred (100) feet from OHWM.*

FINDINGS: The application does not include a golf course.

11. *Golf course water hazards and stormwater drainage basins shall be managed for wildlife through appropriate plantings and measures to maintain or enhance water quality.*

FINDINGS: Not applicable as noted above.

CONCLUSIONS

1. The revisions to the development are consistent with the development regulations in the Natural Shoreline Environment per SMP Table 6-1.
2. As conditioned the revised project is consistent with the general goals and policies of SMP Chapter 3, and Chapter 5 General Use & Development Regulations.
3. As conditioned, the project is consistent with the SMP Chapter 6 Specific Shoreline Use Regulations for Recreational Development.

RECOMMENDATION

Staff recommends **APPROVAL** of the Revised Shoreline Substantial Development Permit for the Overlook Deck (SHOR14-06) as conditioned.

1. The project area is within a 150-foot riparian buffer and a mitigation planting plan must be submitted and approved prior to any earthmoving activities. The mitigation planting plan must include a monitoring program and contingency plan.
2. Vegetation installed with this permit must be monitored for a period of five years with reports submitted in year one, three, and five. Remediation planting must be installed if deficiencies are determined through monitoring.