

Land Use Application For Shoreline Permit and Critical Area Review

Date: August 2017

Submitted to: City of Camas
Community Development Department
616 NE Fourth Avenue
Camas, WA 98607

Applicant: NW Natural
200 NW 2nd Avenue
Portland, OR 97209

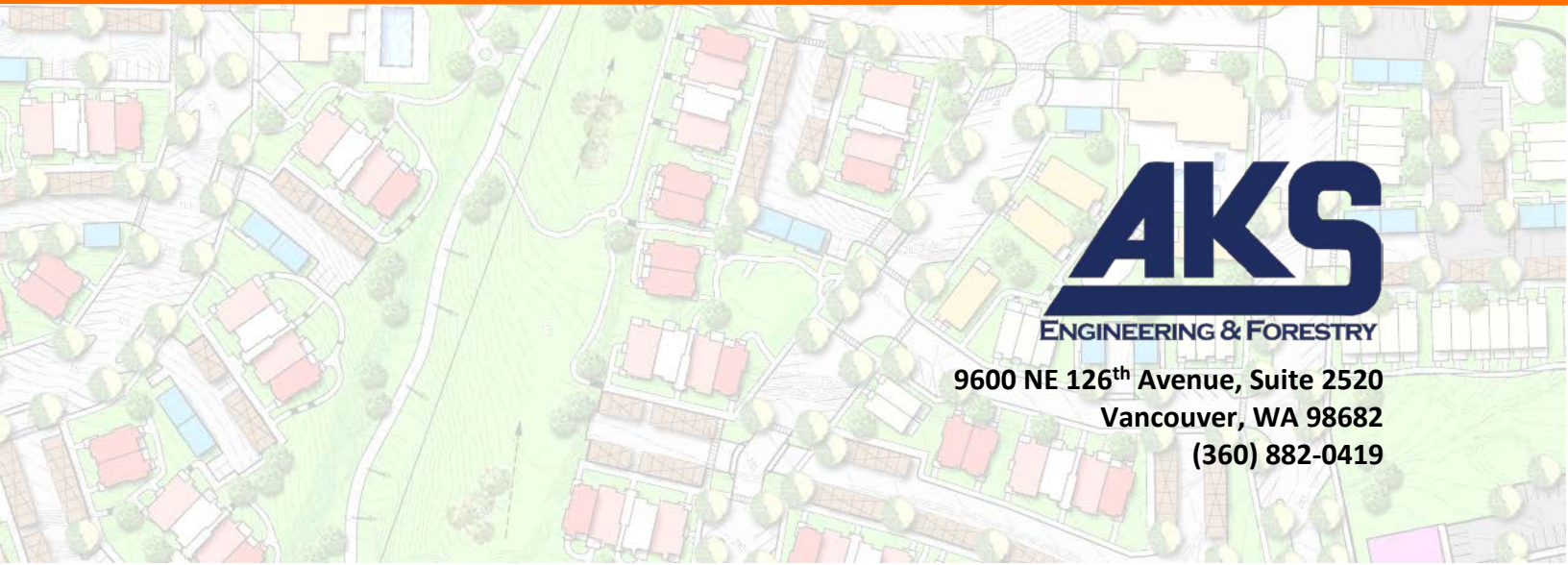


Table of Contents

I. Executive Summary	2
II. Site Description/Setting	2
III. Applicable Review Criteria	3
<u>Camas Design Review Manual</u>	<u>3</u>
Landscaping & Screening	3
<u>Camas Design Standards Manual</u>	<u>3</u>
Detail Number STS4: Collector and Arterial Fence	3
<u>Camas Municipal Code</u>	<u>4</u>
18.13.050 – Landscaping Standards	4
18.13.060 – Parking Areas	4
<u>Camas Shoreline Master Program</u>	<u>4</u>
Chapter 3: Shoreline Master Program Goals and Policies	4
Chapter 5: General Shoreline Use and Development Regulations	5
Chapter 6: Specific Shoreline Use Regulations	8
Appendix B: Administration and Enforcement	9
IV. Conclusion.....	11

Exhibits

Exhibit A: General Application Form

Exhibit B: Development Plans (11 x 17)

Exhibit C: Shoreline Critical Areas Report

Exhibit D: SEPA Environmental Checklist

Exhibit E: Stormwater Memo

Exhibit F: Pre-Application Notes

Exhibit G: Fee Estimate

Land Use Application For Shoreline and Critical Area Review

Submitted to: City of Camas
Community Development Department
616 NE Fourth Avenue
Camas, WA 98607

Applicant/Property Owner: NW Natural Gas Company
200 NW 2nd Avenue
Portland, OR 97209

Applicant's Consultant: AKS Engineering & Forestry, LLC
9600 NE 126th Avenue, Suite 2520
Vancouver, WA 98682
Contact(s): Thatch Moyle, AICP
Email: moylet@aks-eng.com
Phone: (360) 882-0419

Site Location: Located on NE Everett, on the west side of the road,
across from 3016 NE Everett St.
Clark County Parcel Number: 91025-001

Site Size: 6,098 SF or 0.14 Acres

Land Use Districts: Multi-Family Residential (MF-10)



I. Executive Summary

NW Natural Gas Company (Applicant & Property Owner) is submitting this application for a Shoreline Substantial Development Permit and Critical Area Review to accommodate site upgrades that include re-grading the existing gravel driveway to reduce the approach grade from NE Everett Street, removing and replacing the existing building within a similar footprint, upgrading and re-locating the existing radio tower to a modern Rohn communications tower, removal of seven trees, replacing fencing in its existing location, and expanding fencing along the western boundary and in the northeast corner of the property.

The site is located on parcel number 910250-001 and the site area is approximately 6,152 SF or 0.14 acres. Access to the site is via a driveway that connects directly to NE Everett Street. The current zoning designation is MF-10, Multi-Family Residential, with a Comprehensive Plan Designation of Multi-Family Low.

II. Site Description/Setting

The site is located on the west side of NE Everett Street directly across the street from Camas Produce (3016 NE Everett Street) and south of NW Lake Road in the City of Camas (City), Clark County, Washington.

The ordinary high water mark (OHWM) of a ponded area of Fallen Leaf Lake, a shoreline of the state, was delineated in the project area which includes a 200-foot shoreline area setback. The parcel is within the shoreline management area designated as 'Urban Conservancy'. In addition to the designated shoreline, the project site is also located in priority habitat, including a mapped non-riparian habitat conservation area and riparian habitat conservation area, which have a 150-foot habitat buffer. No wetlands were identified on-site above the OHWM of the pond.



Figure 1: Project Tax Lot



Figure 2: Zoning Designation

III. Applicable Review Criteria

Camas Design Review Manual

Landscaping & Screening

- Landscaping and screening is an important factor in determining the overall character of the building site. Landscaping should be done with purpose, such as providing a buffer against less intense uses, screening parking or other components viewed as being intrusive, and defining the streetscape.
- If the site is to be fenced, then the fencing should be incorporated into the landscaping so as to have little or no visual impact.

Response: As shown on the Landscape Plan, Sheet P5.0, proposed landscaping and screening includes galvanized steel fencing with black vinyl coating and black privacy slats. The fencing and slats provide a buffer and screen for adjacent properties and passers-by along NE Everett Street.

Camas Design Standards Manual

Detail Number STS4: Collector and Arterial Fence

Response: As shown on the Landscape Plan, Sheet P5.0, the fence material is galvanized steel with black vinyl coating and black privacy slats. The fence posts are also galvanized steel. The maximum proposed post spacing is 8-feet to meet the design standard. Camas Design Standards Manual, Detail STS4, calls for Doug Fir rails and cedar fencing, although any alternative fence design is allowed pending review and approval by the City. Based on

the existing fence design and the proposed black coating, the proposed fence design is suitable to meet City standards.

Camas Municipal Code

18.13.050 – Landscaping Standards

- B. Landscaping shall be selected and located to deter sound, filter air contaminants, curtail erosion, minimize stormwater run-off, contribute to living privacy, reduce the visual impacts of large buildings and paved areas, screen, and emphasize or separate outdoor spaces of different uses or character.

Response: As shown on the Landscape Plan, Sheet P5.0, proposed landscaping and screening includes galvanized steel fencing with black vinyl coating and black privacy slats. The fencing and slats provide a buffer and screen for adjacent properties and passers-by along NE Everett Street.

18.13.060 – Parking Areas

- A. Parking areas are to be landscaped at all perimeters

Response: While there are no specified parking areas for service vehicles shown on the plans, all perimeter areas of the site are screened by a galvanized steel fence with privacy slats. As shown on the Landscape Plan, Sheet P5.0, the fencing and slats provide a buffer and screen for adjacent properties and passers-by along NE Everett Street.

Camas Shoreline Master Program

Chapter 3: Shoreline Master Program Goals and Policies

3.1 General Shoreline Goals

The general goals of this Program are to:

- Use the full potential of shorelines in accordance with the opportunities presented by their relationship to the surrounding area, their natural resource values, and their unique aesthetic qualities offered by water, topography, and views; and
- Develop a physical environment that is both ordered and diversified and which integrates water and shoreline uses while achieving a net gain of ecological function.

Response: The applicant is aware of the general shoreline goals. The proposed site improvements are all located within the 200-foot shoreline setback from the ordinary high water mark of Fallen Leaf Lake. The proposed improvements will not negatively impact the existing conditions and will likely improve the habitat and natural area functionality around the site due to the proposed mitigation measures.

3.11 Transportation, Utilities, and Essential Public Facilities

3.11.1 Goal

The goal for transportation, utilities, and essential public facilities is to provide for these facilities in shoreline areas without adverse effects on existing shoreline use and development or shoreline ecological functions and/or processes.

Response: The proposed update to the NW Natural utility location will not negatively impact the existing shoreline conditions and will likely improve the habitat and natural area functionality around the site due to the proposed mitigation measures. The utility facility will not adversely impact the existing shoreline use and the shoreline ecological functions or processes.

3.11.2 Policies

1. Locate essential public facilities, utilities and circulation systems that are not shoreline-dependent outside of the shoreline jurisdiction to the maximum extent possible to reduce interference with either natural shoreline functions or other appropriate shoreline uses. Where possible, avoid creating barriers between adjacent uplands and the shoreline.
2. Provide safe, reasonable, and adequate circulation systems to shorelines where routes will have the least possible adverse effect on shoreline function and existing ecological systems, while contributing to the visual enhancement of the shoreline.
3. Protect, manage, and enhance those characteristics of shoreline transportation corridors that are unique or have historic significance or aesthetic quality for the benefit and enjoyment of the public.
4. Encourage alternate modes of travel and provide multiple-use transportation corridors where compatible if shoreline transportation development is necessary.
5. When new utility and transportation facilities are developed in the shoreline jurisdiction, protect, enhance, and encourage development of physical and visual shoreline public access.
6. Where feasible, relocate existing utility and transportation facilities, such as transmission lines, rail lines, or freeways that limit public shoreline access or other shoreline uses and convert such rights-of-way to new public access routes.
7. Utilities and transportation facilities should be installed and facilities designed and located in a coordinated manner that protects the shorelands and water from contamination and degradation.
8. Discourage the siting of public facilities in the shoreline jurisdiction, which restrict public access and enjoyment of the shoreline unless no practical alternatives exist.

Response: The proposed update to the NW Natural utility location will not negatively impact the existing shoreline conditions or access to the shoreline and will likely improve the habitat and natural area functionality around the site due to the proposed mitigation measures. The fact that the proposed site updates represent an improvement to an existing utility facility without impacting any of the shoreline functionality or access does meet the intent of the shoreline management plan.

Chapter 5: General Shoreline Use and Development Regulations

5.1 General Shoreline Use and Development Regulations

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

-
2. Shoreline uses and developments shall not cause impacts that require remedial action or loss of shoreline functions on other properties.
 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.
 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.
 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.
 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.
 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.
 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.
 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.
 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.
 11. The effect of proposed in-stream structures on bank margin habitat, channel migration, and floodplain processes should be evaluated during permit review.
 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.

Response: The proposed update to the NW Natural utility location will not cause impacts that require remedial action or loss of shoreline functions on other properties. This application is requesting Critical Areas review and the necessary Shoreline Substantial Development Permit for the proposed NW Natural site upgrades to be in compliance with all applicable municipal code and Camas Shoreline Master Program requirements. The proposed plans

demonstrate that the applicant has taken all reasonable effort to avoid impacts to the shoreline and natural areas, while also providing mitigation to offset those impacts. The fact that the proposed site updates represent an improvement to an existing utility facility without impacting any of the shoreline functionality or access does meet the intent of the shoreline management plan.

5.7 Site Planning and Development

5.7.1 General

1. Land disturbing activities such as grading and cut/fill shall be conducted in such a way as to minimize impacts to soils and native vegetation.
2. Impervious surfaces shall be minimized to the extent feasible so as not to jeopardize public safety.
3. When feasible, existing transportation corridors shall be utilized.
4. Vehicle and pedestrian circulation systems shall be designed to minimize clearing, grading, alteration of topography and natural features, and designed to accommodate wildlife movement.
5. Parking, storage, and non-water dependent accessory structures and areas shall be located landward from the OHWM and landward of the water-oriented portions of the principle use.
6. Trails and uses near the shoreline shall be landscaped or screened to provide visual and noise buffering between adjacent dissimilar uses or scenic areas, without blocking visual access to the water.
7. Elevated walkways shall be utilized, as appropriate, to cross sensitive areas such as wetlands.
8. Fencing, walls, hedges, and similar features shall be designed in a manner that does not significantly interfere with wildlife movement.
9. Exterior lighting shall be designed, shielded and operated to: a) avoid illuminating nearby properties or public areas; b) prevent glare on adjacent properties, public areas or roadways; c) prevent land and water traffic hazards; and d) reduce night sky effects to avoid impacts to fish and wildlife.
10. Utilities shall be located within roadway and driveway corridors and rights-of-way wherever feasible.
11. A use locating near a legally established aquaculture enterprise, including an authorized experimental project, shall demonstrate that such use would not result in damage to or destruction of the aquaculture enterprise, or compromise its monitoring or data collection.

Response: The proposed site grading and limits of site disturbance are located nearest the NE Everett Street entrance, which is located at a point on the site furthest from the shoreline as physically possible. The existing vehicle entrance and gate to the site is designed to minimize impacts to natural features. All site lighting will be designed, shielded and operated to minimize glare and to reduce night sky effects.

Chapter 6: Specific Shoreline Use Regulations

6.3 Use-specific Development Regulations

6.3.15 Utilities Uses

These provisions apply to services and facilities that produce, convey, store, or process power, gas, wastewater, communications, and similar services and functions. On-site utility features serving a primary use, such as a water, sewer or gas line to a residence or other approved use are “accessory utilities” and shall be considered a part of the primary use.

1. Whenever feasible, all utility facilities shall be located outside shoreline jurisdiction. Where distribution and transmission lines (except electrical transmission lines) must be located in the shoreline jurisdiction they shall be located underground.
2. Where overhead electrical transmission lines must parallel the shoreline, they shall be no closer than one hundred (100) feet from OHWM unless topography or safety factors would make it unfeasible, then a shoreline conditional use permit shall be required.
3. Utilities shall be designed, located and installed in such a way as to preserve the natural landscape, minimize impacts to scenic views, and minimize conflicts with present and planned land and shoreline uses.
4. Transmission, distribution, and conveyance facilities shall be located in existing rights of way and corridors or shall cross shoreline jurisdictional areas by the shortest, most direct route feasible, unless such route would cause significant environmental damage.
5. Utility production and processing facilities, such as power plants and wastewater treatment facilities, or parts of those facilities that are nonwater-oriented shall not be allowed in the shoreline jurisdiction unless it can be demonstrated that no other feasible option is available, and will be subject to a shoreline conditional use permit.
6. Stormwater control facilities, limited to detention ,retention, treatment ponds, media filtration facilities, and lagoons or infiltration basins, within the shoreline jurisdiction shall only be permitted when the following provisions are met:
 - a. The stormwater facility is designed to mimic and resemble natural wetlands and meets the standards of CMC 14.02 Stormwater and the discharge water meets state water quality standards;
 - b. Low impact development approaches have been considered and implemented to the maximum extent feasible.
7. New and modifications to existing outfalls shall be designed and constructed to avoid impacts to existing native aquatic vegetation attached to or rooted in substrate. Diffusers or discharge points must be located offshore at a distance beyond the nearshore area to avoid impacts to those habitats.
8. Water reclamation discharge facilities (e.g. injection wells) are prohibited in the shoreline jurisdiction, unless the discharge water meets State Department of Ecology Class A reclaimed water standards. Proponents for discharge of Class A reclaimed water in the

shoreline jurisdiction shall demonstrate habitat benefits of such discharge.

9. Where allowed under this program, construction of underwater utilities or those within the wetland perimeter shall be scheduled to avoid major fish migratory runs or use construction methods that do not cause disturbance to the habitat or migration.
10. All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially detrimental to water quality shall provide automatic shut off valves.
11. Upon completion of utility installation/maintenance projects on shorelines, banks shall, at a minimum, be restored to pre-project configuration, replanted and provided with maintenance care until the newly planted vegetation is fully established. Plantings at installation shall be at least 2" minimum caliper at breast height if trees, five gallon size if shrubs, and ground cover shall be planted from flats at 12" spacing, unless other mitigation planting is recommended by a qualified biologist and approved by the Administrator.

Response: As this application represents upgrades to an existing utility facility, the proposed update to the NW Natural utility location will not negatively impact the existing conditions and will likely improve the habitat and natural area functionality around the site due to the proposed mitigation measures. The utility facility will not adversely impact the existing shoreline use and the shoreline ecological functions or processes.

Appendix B: Administration and Enforcement

IX. Variances

The SMRC or the hearings examiner may send a decision to Ecology for final approval regarding substantial development permits which are at variance with specific bulk, dimensional or performance criteria where, owing to special conditions pertaining to a specific piece of property, the literal interpretation and strict application of the criteria would cause undue and unnecessary hardship. Variances shall not be granted from the use regulations of this Program.

- A. A request for a variance to a development may be authorized when the applicant can demonstrate all of the following:
 1. That if the applicant complies with the provisions of the Program then they cannot make any reasonable use of the property. The fact that there is the possibility that the property might make a greater profit by using the property in a manner contrary to the intent of the Program is not a sufficient reason for a variance;
 2. That the hardship is specifically related to unique conditions of the property (e.g. irregular lot shape, size or natural features) and not, for example, from deed restrictions or the applicant's own actions;
 3. That the variance requested is the minimum necessary to afford relief;
 4. That the variance will not constitute a grant of special privilege not enjoyed by other properties in the area;

-
5. That the design of the project will be in harmony with the other authorized uses in the area, and the intent of the Program; and
 6. That the public welfare and interest will be preserved; if more harm will be done to the area by granting the variance than would be done to the applicant by denying it, the variance will be denied.
 7. If proposed waterward of the OHWM, then the public rights of navigation and use will not be adversely affected.

Response: The requested variance to the Shoreline Master Program represents a variance to upgrade an existing utility facility in a location that will not impact the functionality of the shoreline or surrounding natural area. Also, in response to the variance request and the proposed removal of trees, the applicant proposes to provide mitigation to offset these impacts. Based on the existing utility facility use, the public welfare and interest will be preserved. The utility facility will not adversely impact the existing shoreline use and the shoreline ecological functions or processes.

X. Conditional use

- A. For any use activity which may not be compatible with the shoreline environment in which it is proposed, as defined in the Program, a conditional use permit shall be required. The SMRC or the hearings examiner may recommend performance standards to make the use more compatible with other desirable uses within that area. These provisions shall apply only when it can be shown that extraordinary circumstances exist and that the public interest would suffer no substantial detrimental effect. Conditional use approval may be approved only if the applicant can demonstrate all of the following:
 1. The use will cause no significant adverse effects on the environment or other uses;
 2. The use will not interfere with normal public use of public shorelines;
 3. Design of the development will be compatible with the surrounding authorized uses, the Program, and the comprehensive plan; and
 4. The proposed use is consistent with the general intent of the Program, and the Act.

Response: The requested conditional use to the Shoreline Master Program represents an upgrade to an existing utility facility in a location that will not impact the functionality of the shoreline or surrounding natural area. The existing and proposed use will cause no significant adverse effects on the environment or other uses, nor will it interfere with normal public use of public shorelines. The approval of the utility facility upgrades will be compatible with the surrounding authorized uses, the Shoreline Management Program, and the comprehensive plan. And as summarized in these narrative responses to the Shoreline Management Program, the proposed use is consistent with the general intent of the Program and the Act.

IV. Conclusion

The required findings have been made and this written narrative and accompanying documentation demonstrate the application is consistent with the applicable provisions of the City of Camas Municipal Code, Design Review Manual, Design Standards Manual, and the Camas Shoreline Master Program. The evidence in the record is substantial and supports approval of the application. Therefore, the Applicant respectfully requests the City approve this application.