

# STAFF REPORT

## NW NATURAL GAS

### SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT, SITE PLAN REVIEW, DESIGN REVIEW, AND CRITICAL AREAS PERMITS

File No. SHOR17-02

REPORT DATE: NOVEMBER 22, 2017

MEETING DATE: NOVEMBER 28, 2017

<b>To:</b>	Shoreline Management Review Committee	<b>Applicant:</b> NW Natural Gas, Halli Chesser 200 NW 2 <sup>nd</sup> Ave., Portland OR 97209 (503) 226-4221 xt. 4394
<b>Location:</b>	Tax Parcel # 91025-001, which is across the street from 3016 NE Everett Street. The site is within the ordinary high water mark of Fallen Leaf Lake, and is designated as an "Urban conservancy shoreline".	
<b>Public Notice:</b>	The city mailed application notices to properties within 300-feet of the subject site on October 10, 2017. The city issued a SEPA Determination of Non-significance (file #SEPA17-21) on November 2, 2017, and the comment period ended on November 16, 2017.	

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#### APPLICABLE LAW

The application was deemed complete on October 6, 2017, and the applicable codes are those codes that were in effect on the date of application, to include the Camas Municipal Code, Titles 17 and 18, the Camas Shoreline Master Program ("SMP") (Limited Amendment Ord. 15-007), and Critical Area Review within Appendix C of the SMP; and the Shoreline Management Act (RCW90-58)(WAC 173-27). **Note: *Camas Shoreline Master Program (SMP) and Camas Municipal Code (CMC) citations are in italics throughout this report.***

## SUMMARY

The entire site is encompassed within the shoreline setback of Fallen Leaf Lake, and includes priority habitat conservation area buffers. The site is also within a residential zone, which, if new, would have required approval of a conditional use permit. However, the project is limited to maintenance and upgrades to an existing use—not expansion, and therefore zoning use authorization is not required.

The proposed work includes re-grading the existing gravel driveway; removing and replacing an existing metal shed; replacing fence sections; expanding a portion of the fenced area to the north, and replacing the existing radio tower with a new tower that will be 40-feet high.

The development is subject to review and approval of the following permits: Shoreline Substantial Development Permit (SDP), Critical Area Permit; Site Plan Review and Minor Design Review Permits.

This report includes the criteria for review for all of these permit types. It also includes a recommendation of approval of the development with conditions.

## MASTER PROGRAM GOALS AND POLICIES (CHAPTER 3)

The development will occur within the shoreline management area of Fallen Leaf Lake. The following general master program goals and policies are applicable:

### 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.*

**FINDING: Staff finds that the general goals and policies of Chapter 3 are met as this project will not negatively impact the shoreline environment. Staff concurs with the applicant that the proposal will likely improve the habitat with the proposed mitigation.**

*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.*

**FINDING: Staff finds that it is an existing development, which is located entirely within the shoreline management area.**

#### 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.*

**FINDING: The applicant will relocate the antennae, and the shed structure will be replaced in the same location and footprint.**

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.*

**FINDING: The development is within a site that does not have public access. The new fencing and landscaping along the frontage will be an improvement to those viewing the site from the public road.**

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.*

**FINDING: The new fencing and landscaping will enhance the corridor.**

4. *Encourage alternate modes of travel and provide multiple-use transportation corridors where compatible if shoreline transportation development is necessary.*

**FINDING: No 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.*

**FINDING: The proposed activity will not block visual access to the shoreline, as it is a forested area.**

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.*

**FINDING: Not applicable.**

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.*

**FINDING: The project will upgrade the site for the natural gas utility, and contamination is not likely.**

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.*

**FINDING: Does not apply as the development is existing and not new.**

#### URBAN CONSERVANCY ENVIRONMENT (CHAPTER 4)

The management policies of the Urban Conservancy Shoreline Designation at SMP Section 4.3.3.4 are as follows:

- 1) *Uses that preserve the natural character of the area or promote preservation of open space or critical areas either directly or over the long term should be the primary allowed uses. Uses that result in restoration of ecological functions should be allowed if the use is otherwise compatible with the purpose of the Urban Conservancy shoreline designation and the setting.*

**FINDING: The proposed mitigation will remove the invasive species (ivy and blackberries) for 3,209 square feet as well as provide for native understory plantings, which should provide an ecological lift.**

- 2) *Single family residential development shall ensure no net loss of shoreline ecological functions and preserve the existing character of the shoreline consistent with the purpose of this designation.*

**FINDING: Does not apply as it is not a residential development.**

- 3) *Low-intensity public access and public recreation objectives should be implemented whenever feasible and when significant ecological impacts can be mitigated (e.g. trails).*

**FINDING: Not applicable**

- 4) *Thinning or removal of vegetation should be limited to that necessary to (1) remove noxious vegetation and invasive species; (2) provide physical or visual access to the shoreline; or (3) maintain or enhance an existing use consistent with critical areas protection and maintenance or enhancement of shoreline ecological functions.*

**FINDING: As previously noted, the development is in conformance with this provision as their proposed mitigation will remove the invasive species as well as provide enhancement plantings, which should improve ecological functions.**

- 5) *Low intensity water-oriented commercial uses may be permitted if compatible with surrounding uses.*

**FINDING: Not applicable**

## GENERAL SHORELINE USE AND DEVELOPMENT REGULATIONS (CHAPTER 5)

The SMP includes general regulations that apply to all development in the shorelines. The following analysis and findings respond to the criteria at **Section 5.1** General Shoreline Use & Development.

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

**FINDING: The development is existing and is not water-dependent.**

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

**FINDING: The proposed work will not affect shoreline functions.**

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 development will not require shoreline stabilization as it is not immediately adjacent to the lake edge.**

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 applicant has not requested to begin work prior to receiving approvals.**

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 criterion is inapplicable.**

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: The applicant applied for permits that are subject to standards within CMC Titles 17 or 18, and a consolidated decision will be issued.**

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: The development is not within 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: No hazardous materials were identified during construction. The primary use of the site is for operation of a natural gas utility.**

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: No in water work is proposed.**

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 application includes a critical area report (dated August 14, 2017) which describes efforts at minimization and proposes innovative mitigation measures (e.g. invasive species removal).**

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

**FINDING: No in-stream structures are proposed.**

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 development is within the city jurisdiction.**

## SPECIFIC SHORELINE USE REGULATIONS (CHAPTER 6)

The specific use regulations for utility uses are concerned primarily with new facilities, and this use is not new, rather it is an upgrade to an existing site.

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.*

### **FINDING: The proposal is to upgrade an existing facility.**

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.*

### **FINDING: No overhead lines proposed.**

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.*

### **FINDING: The applicant has proposed mitigation to preserve and enhance the natural forested landscape.**

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.*

### **FINDING: No new conveyance is proposed**

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.*

### **FINDING: This is an upgrade to an existing facility**

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...*

### **FINDING: No stormwater facility is proposed. Refer to Stormwater Design Memorandum (August 17, 2017).**

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.*

### **FINDING: No outfalls are proposed**

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.*

### **FINDING: Injection wells are not proposed**

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.*

**FINDING: Not proposed to be underwater**

10. *All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially detrimental to water quality shall provide automatic shut off valves.*

**FINDING: Not applicable**

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.*

**FINDING: The development activity is to upgrade an existing facility. The landscaping proposed along the frontage of the site will be conditioned to be 5 gallon as noted in this provision, however all other mitigation shrubs will be allowed at 1 gallon as proposed.**

## ARCHAEOLOGICAL

The city received a comment from the Department of Archaeological and Historic Preservation (DAHP) in regard to known archaeological resources being in the close proximity to the site. In accordance with CMC§ 16.31.060 Applicability, the city must require that the applicant provide a predetermination report prior to any ground disturbing activities. This initial report will provide a recommendation to the city as to whether a detailed site survey is necessary.

**FINDING: Staff finds that the site is within ¼ mile of an archaeological site, and as such a predetermination report is required and will be conditioned.**

## CRITICAL AREAS

Critical Area regulations are located within the SMP, Appendix C.

The application included a critical area report, titled, "NW Natural Gas Regional Station Shoreline Critical Areas Assessment and Preliminary Buffer Enhancement Plan" (dated August 14, 2017), which addressed the applicable policies of SMP, Appendix C. The report found that the site is within a priority habitat area, yet there were no wetland areas or buffers within the development area. The report noted that there was not a presence of White Oak or Camas Lily located within the study area.

## FISH AND WILDLIFE CONSERVATION AREAS- SMP APPENDIX C, CHAPTER 16.61

The Shoreline Critical Areas Assessment and Preliminary Buffer Enhancement Plan addressed the applicable policies of SMP, Appendix C, and Section 16.61.020 (C) Habitat Assessment. The applicant addresses the mitigation sequencing of the proposal at page 5 of the report. Given that the entire site is within a habitat area, avoidance is impossible. The proposed development will remove seven significant trees and will cause 1,170 square feet of new impacts.

The applicant has proposed innovative mitigation measures, given the dense forested area and the potential for environmental gains, in lieu of simply re-planting for the loss of the seven trees. The area consists primarily of Douglas Fir and big leaf maple, which is impacted with a heavy



understory cover of English ivy (an aggressive invasive species). This proposal supports the city's comprehensive plan policy at Section 3.4.4 Landscape and Tree Preservation, which states, "Prioritize the management to eradicate aggressive non-native vegetation species."

The proposed mitigation (page 7) includes compensating for the loss of the trees by replacing the loss of canopy area (1,605 square feet) at a 2:1 ratio by removing English Ivy and other invasive species on the adjacent, city-owned park lands. The impacts to the buffer area for other site improvements include a combination of understory planting and converting a graveled area into a natural habitat area. Refer to Figure 6 of the plan for mitigation work both on-site and off-site (on adjacent city park lands).

The city may approve innovative mitigation if it meets the following criteria, per SMP, Appendix C, and Section 16.51.180-Innovative Mitigation:

*A. Creation or enhancement of a larger system of critical areas and open space is preferable to the preservation of many individual habitat areas;*

**Finding: Meets. The proposal is to improve the larger forested area, rather than the site limits.**

*B. The group demonstrates the organizational and fiscal capability to act cooperatively;*

**Finding: Meets. The applicant has proposed to provide a bond, for maintenance and monitoring for five years.**

*C. The group demonstrates that long-term management of the habitat area will be provided;*

**Finding: Meets. The applicant has proposed to provide a bond, for maintenance and monitoring for five years**

*D. There is a clear potential for success of the proposed mitigation at the identified mitigation site; and*

**Finding: If removal of invasive species did not occur within a broader area, it is likely that the new plants would not survive on the subject site.**

*E. Conducting mitigation as part of a cooperative process does not reduce or eliminate the required replacement ratios.*

**FINDING: The replacement ratio for tree removal is 2:1. Rather than plant 14 saplings, the applicant is providing an equivalent amount of invasive species removal (measured at two times the canopy of the removed trees). This action will ensure the long term viability of the existing and threatened tree canopy. Staff finds that the proposed innovative mitigation should provide an ecological lift to the forested area of Fallen Leaf Lake.**

## SITE PLAN REVIEW

The city shall consider approval of the site plans with specific attention to the following:

*A. Compatibility with the city's comprehensive plan;*

**Finding: The city's comprehensive plan supports the expansion of services and utilities to best serve the citizens of the city, per Section 5.13 of the plan.**

**The proposed site development includes mitigation within natural areas of the city that are threatened by invasive species (ivy). The project is consistent with Chapter 3 Natural Environment, which supports actions that will preserve and maintain the city's natural environment.**

*B. Compliance with all applicable design and development standards contained in this title and other applicable regulations;*



**Finding:** The site is within a residential zone, and is considered to be a conditional use per the city's land use authorization tables of Chapter 18.07. The site is not adjacent to any residential lots, and as such, no additional setbacks or other such measures would be necessary.

**As an existing use, the expansion/renovation of such a use must provide landscaping per CMC Chapter 18.13.030, as a percentage of the expansion (15% of 1,170 sf). The landscape details along the frontage of the site are unclear, and as such a condition of approval is recommended.**

*C. Availability and accessibility of adequate public services such as roads, sanitary and storm sewer, and water to serve the site at the time development is to occur, unless otherwise provided for by the applicable regulations;*

**Finding:** The site is already developed and services exist.

*D. Adequate provisions are made for other public and private services and utilities, parks and trails (e.g., provide copies of private covenant documents);*

**Finding:** The applicant is proposing to remove invasive species within the adjacent city park as a portion of their mitigation plan. Refer to detailed discussion above, at the critical area portion of this report. A conservation covenant will be required for those areas on site that are identified as mitigation areas.

*E. Adequate provisions are made for maintenance of public utilities; and*

**Finding:** A condition in regard to protection of adjacent public utilities is included.

*F. All relevant statutory codes, regulations, ordinances and compliance with the same. The review and decision of the city shall be in accordance with the provisions of CMC [Chapter 18.55](#) Administration and Procedures.*

**Finding:** This staff report has identified all relevant codes and regulations.

## MINOR DESIGN REVIEW

The proposed development is a redevelopment of an existing site, as such the city determined that minor design review was adequate. Per CMC§18.19.040, the city may issue an administrative design review decision when it is determined that the issues related to the proposal are not complex enough to warrant review by the Design Review Committee. However, the project must still comply with the design standards and principles of Chapter 18.19.

Standard principles of Design Review per CMC§18.19.050, include:

### *Standard Principles.*

*1. Landscaping shall be done with a purpose. It shall be used as a tool to integrate the proposed development into the surrounding environment.*

**Findings:** The landscape plan at Sheet P5.0 only provides details in regard to the new fencing. The critical area mitigation plan indicates that there will be a seed mixture in disturbed areas adjacent to the right-of-way, however it is unclear whether and to what extent any shrubs would be installed. Also, the SMP provisions in regard to shoreline visual enhancement requires five gallon shrubs at areas visible to the public. For that reason, a condition to amend the landscape plan along the property frontage is included.

*2. All attempts shall be made at minimizing the removal of significant natural features. Significant natural features shall be integrated into the overall site plan.*

**Finding:** Refer to detailed discussion and findings at the Critical Area section of this report.

3. Buildings shall have a "finished" look. Any use of panelized materials shall be integrated into the development in a manner that achieves a seamless appearance.

**Finding: The applicant is removing a shed that is in poor condition with a new shed. This criterion is satisfied.**

4. A proposed development shall attempt to incorporate or enhance historic/heritage elements related to the specific site or surrounding area.

**Finding: No historic elements were identified.**

## APPEALS

As noted throughout this report, the development requires approval of several permits. The permit types can be consolidated for a single approval as allowed per CMC§ 18.55.020(B) Optional Consolidated Permit Processing. The applicant elected to submit materials for all permits to be reviewed concurrently. As such, the code requires that the "notice of decision or final decision shall include all project permits reviewed through the consolidated permit process."

The reason for this discussion, is that the appeal periods for each of the permit types required for the approval of this development vary. For example, any party that wishes to appeal a local shoreline decision of the SMRC would have 14 days from the date the decision was rendered, which begins tolling on the date of the public meeting. In contrast, an appeal for a Type II Site Plan Review begins on the date the decision is issued, which is the date it is mailed to properties within 300-feet of the property.

Given that the provisions of CMC require that a consolidated permit have a single decision date, staff recommends that the appeal period begin tolling on the date of issuance, and follows the procedures for a Type II permit. This would allow more time than is afforded for a local shoreline decision, which typically begins at the conclusion of the public meeting.

**Finding: Staff finds that the timeframes for appeal should be stated as they differ from a typical local shoreline decision.**

## CONCLUSIONS

- Based upon the submitted plans and reports, Staff finds that the project is consistent with the general goals and policies of the SMP pursuant to SMP Chapter 3 Goals and Policies, and Chapter 5 General Use & Development Regulations.
- As proposed, the project is consistent with the SMP Chapter 6 Specific Shoreline Use Regulations.
- The development can comply with the critical area regulations of the SMP, Appendix C.
- As conditioned, the applicant can comply with the provisions of CMC Title 17 Land Development and Title 18 Zoning.

## RECOMMENDATION

Staff recommends **APPROVAL** of the NW Natural Gas Regional Station Upgrades (File #SHOR17-02) as conditioned below. Further, that a consolidated decision be issued consistent with the procedures for a Type II application, and that the appeal timeframe of the decision of the SMRC run concurrently from the date of issuance (mailing) of the consolidated decision.

1. Alterations, to include retaining walls, shall not be constructed within 37' from the centerline of NE Everett adjacent to the existing parcel.
2. The applicant may not excavate in the vicinity of water and sanitary sewer mainlines that are east of the parcel without prior approval from the City of Camas and must call for locates. If proposed, then the applicant must submit improvement plans to the city, along with the fees for engineering plan review and inspection.
3. The applicant shall coordinate with the city's Water-Sewer Department (Tobin Reed or Sam Adams) prior to the start of edge of road work.
4. The applicant must post the site address to be visible from the street and include a contact number for emergencies.
5. The landscape plan must be revised and resubmitted for approval to include 175 square feet of shrubs along the frontage of the site that are **5 gallon** (min.) at installation. The city considers the shrubs proposed within the enhancement areas (Figure 6) as acceptable along the frontage. However, alternative species can be selected, if consistent with the city's Design Standards Manual. Landscaping must be installed prior to final acceptance of site improvements.
6. The applicant shall ensure that watering of landscape and mitigation areas occurs by watering truck and hoses as described within the mitigation plan, for a period of five years after initial installation.
7. As proposed within the critical areas report (page 12), permanent signs shall be installed at the fence corners along NE Everett Street to mark the boundary of the critical area.
8. The applicant must install NFPA signage for the appropriate hazard.
9. The existing non-conforming structure shall be replaced with a non-combustible structure of the same size, and in the same location.
10. The new structure shall be designed to the City of Camas design criteria and submittal documents shall be stamped by a licensed professional. The design standards include a minimum of 135 mph wind 3 second gust, Seismic Zone D, and must withstand a 25lbs snow load.
11. The subject parcel is located in a special flood hazard area and for that reason, structures must meet the requirements of SMP, Appendix C, Chapter 16.57 – Frequently Flooded Areas.
12. The applicant shall submit a final mitigation plan to the city prior to any ground disturbing activities. The final mitigation plans shall include the following, that were not required to be submitted with the preliminary plan:
  - a. A bond or other financial guarantees as approved by the City for 125% of the cost of monitoring and maintenance of mitigation areas for a period of five years after completion of site construction. The bond amount shall be determined based on the city's approval of a cost estimate.
  - b. The identified critical areas and buffers shall be protected by a covenant that is recorded. A copy of the conservation covenant shall be provided to the city.
13. Mitigation activities ("Year 0") shall be completed and vegetation installed (with mulch) prior to final approval of site construction. Refer to pages 7-12 and **Figure 6** of the Shoreline Critical Areas Report (August 14, 2017) for detailed specifications.

14. Monitoring reports to evaluate the success of the mitigation areas must be submitted to the city prior to December 31<sup>st</sup> in years 1, 3, and 5. Any recommendations for corrective measures shall be acted upon within three months of reporting.
15. The applicant shall prepare an archaeological predetermination report and distribute copies of the report to the city, DAHP and the tribes.
  - a. The predetermination report must meet the standards of CMC§16.31.080.
  - b. The submittal to the city, DAHP and tribes must include city staff contact information, and state that comments on the report must be received by the director within fourteen days from the date that notification was mailed or emailed.
  - c. No ground disturbing activities may occur until after the conclusion of the 14-day comment period, and the director has determined (in writing) that no further archaeological work is required.