



## STAFF REPORT

### SHORELINE SUBSTANTIAL DEVELOPMENT AND SHORELINE CONDITIONAL USE PERMIT

#### CAMP LACAMAS STEP SEWER PROJECT

FILE NO. SHOR17-04

PUBLIC MEETING DATE: MAY 2, 2018

<b>To:</b>	Shoreline Management Review Committee	<b>Applicant:</b> City of Camas 616 NE 4 <sup>th</sup> Avenue Camas, WA 98607
<b>Proposal:</b>	To install a new Septic Tank Effluent Pumping (STEP) system and sewer line	
<b>Location:</b>	The project site is 2025 NE Goodwin Road at Camp Lacamas. Parcel # 172543000.	
<b>Public Notice:</b>	The city mailed notices of application to neighboring properties within 300-feet of the subject site on February 20, 2018. The city issued a SEPA Determination of Non-significance (file# SEPA 17-25) on March 8, 2018, and the comment period ended on March 22, 2018.	

#### APPLICABLE LAW

THE APPLICATION WAS DEEMED COMPLETE ON **FEBRUARY 12, 2018**, AND THE APPLICABLE CODES ARE THOSE CODES THAT WERE IN EFFECT ON THE DATE OF APPLICATION, TO INCLUDE CAMAS MUNICIPAL CODE (CMC); THE CAMAS SHORELINE MASTER PROGRAM (ORD. 15-007) CONSOLIDATED WITH CRITICAL AREA REVIEW WITHIN APPENDIX C (SMP); AND THE SHORELINE MANAGEMENT ACT (RCW90-58)(WAC 173-27). **NOTE: CAMAS SHORELINE MASTER PROGRAM (SMP) CITATIONS ARE IN ITALICS THROUGHOUT THIS REPORT.**

#### STANDARDS FOR EVALUATION

- **Shoreline Substantial Development Permits** must be consistent with approved Shoreline Master Program (SMP) element goals, objectives and general policies of the designated environment; policy statements for shoreline use activities; and with use activity regulations.
- **Shoreline Conditional Use Permits.** 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. **SMP Conditional Use Permits require final approval or disapproval from the Department of Ecology after final local action has been taken.**

## BACKGROUND

The applicant proposes to install a new Septic Tank Effluent Pumping (STEP) system to serve Camp Lacamas. The existing septic system will be replaced with approximately 900 feet of sewer line and four underground septic tanks including one small aboveground electrical service panel. The proposed project is located approximately 160 feet south of the ordinary high water mark (OHWM) of Lacamas Creek and is accessed immediately off of NE Goodwin Road to the northwest.

The project site lies within the regulated shoreline of Lacamas Creek. The Camas Shoreline Master Program (SMP) classifies the shoreline landward of the project as “Urban Conservancy Shoreline Environment”. The development of underground utilities is considered a Shoreline Conditional Use. The required setback from the OHWM for underground utilities is 100-feet in the Urban Conservancy area. All utilities are outside of this setback.

## MASTER PROGRAM GOALS AND POLICIES (CHAPTER 3)

At page 3-1 of the SMP, the general goals of the program is to use the full potential of the shorelines in accordance with the surrounding areas, the natural resource values, and the unique aesthetic qualities; and develop a ordered and diversified physical environment that integrates water and shoreline uses while achieving a net gain of ecological function. Primarily, the step sewer project supports the utilities and water quality goals below.

SMP, Section 3.11 Transportation, Utilities, and Essential Public Facilities *“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.”*

SMP, Section 3.13 Water Quality and Quantity *“The goal for water quality and quantity is to protect and enhance the quality and quantity of the region’s water resources to ensure there is a safe, clean water for the public’s needs and enjoyment; and protect wildlife habitat.”*

**FINDING:** Staff finds that the project is consistent with the general policies of Chapter 3, given that the step sewer project provides an ecological benefit to the shoreline through water quality protection and is designed to not adversely impact shoreline ecological functions.

## URBAN CONSERVANCY SHORELINE DESIGNATION (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 project is consistent with the SMP designation of Urban Conservancy because it protects ecological functions through a design that avoids and minimizes impacts to critical areas and vegetation while protecting water quality through decommissioning on-site septic systems.

- 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: This criteria is not applicable.**

- 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: This criteria is not applicable.**

- 4) *Thinning or removal of vegetation should be limited 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 or shoreline ecological functions.*

**FINDING: The removal of vegetation will be limited to open fields and lawns dominated by non-native vegetation as the STEP system will be primarily installed in existing access roads and heavily impacted footpaths. The temporary disturbance will be revegetated and tree removal will be avoided.**

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

**FINDING: This criteria is not applicable.**

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

The following general regulations of Chapter 5 Section 5.1 (beginning on page 5-1) are as follows:

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

**FINDING: The development is not water-dependent as it is located approximately 160-feet from Lacamas Creek and underground, which will not interfere with other water-dependent uses.**

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 on other properties as the project will be mostly located underground on private property. Further, Best Management Practices (i.e. erosion control, etc.) will be implemented throughout project construction.**

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 proposed development will not require shoreline stabilization at the time of the development or in the future.**

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 applied for proper permits, and 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 criteria is not applicable.**

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 proposed development requires compliance with the applicable regulations from 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.

**FINDING: This criteria is not applicable as the proposed project is not on navigable waters or their beds.**

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: The application does not propose the use of hazardous materials.**

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 criteria is not applicable as in-water work is not 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 for an isolated wetland and a technical memorandum addressing critical aquifer recharge areas, frequently flooded areas and wildlife habitat conservation areas. The applicant's narrative includes a discussion of avoidance and minimization efforts. Further discussion is provided in Section 5.3 below.**

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 criteria is not applicable as no in-stream work is 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 activity is in city limits and therefore this criterion is not applicable.**

## **ARCHAEOLOGICAL, CULTURAL AND HISTORIC RESOURCES (SECTION 5.2)**

The application included an archaeological survey report that was sent to the Department of Archaeology and Historic Preservation and Tribal Representatives for review and comment. The application includes a Cultural Resources Report with recommendations. Any conditions of permit approval from the State Department of Archaeology and Historic Preservation (DAHP) will need to be complied with.

**FINDING: Any archaeological conditions of the DAHP permit must be complied with prior to site improvement activities. If an item of possible archaeological interest is discovered on site, work will immediately cease and notification of the find will be sent to the appropriate parties.**

## **CRITICAL AREAS PROTECTION (SECTION 5.3)**

The subject parcel includes the following critical areas as regulated by the SMP: Wetlands; a Critical Aquifer Recharge Area (CARA); Frequently Flooded Areas; and Fish and Wildlife Habitat Conservation Areas.

### Wetlands- SMP Appendix C, Chapter 15.63

A Category II isolated wetland was identified and located at the toe of a steep slope approximately 40 feet northeast of the project area. The wetland's associated 130-foot required buffer will be temporarily impacted at the top of the slope by the installation of a section of the new sewer line and a STEP tank system, as discussed in the applicant's narrative and April 16, 2018 memorandum from Kent Snyder, PhD. Per the memo and as illustrated on the memo's enclosed photos, the area of project impacts is heavily used by pedestrian traffic and consequently has created a generally barren and sparsely vegetation area.

As such, mitigation for temporary buffer project impacts should be focused on restoring the vegetation to pre-project conditions along with implementing Best Management Practices during construction.

### Critical Aquifer Recharge Areas (CARA)- SMP Appendix C, Chapter 16.55

Although the project is located within a wellhead protection zone, which is an allowed activity in the CARA, a hydrogeologic assessment was not required as the project does not create more than 2,500 square feet or 5% (whichever is greater) of impervious surface; divert, alter or reduce flow of surface or ground waters; reduce the recharging of the aquifer; not use hazardous substances; and not construct or use an injection well.

### Frequently Flooded Areas- SMP Appendix C, Chapter 16.57

Approximately 65 feet of new sewer line including one step tank will be buried in the FEMA mapped floodway with the remainder of the project located in the floodplain. Although the project improvements are in a relatively flat area with steep slopes to the north, the topography indicates the precise location of the floodway boundary lies beyond the project improvements as discussed in the applicant's narrative. Nonetheless, topography will be returned to pre-construction contours after project installation via backfilling narrow trenches (approximately 18-inches wide) with native soil.

Per the City Engineer, the encroachment will not result in an increase in flood levels during the occurrence of the base flood discharge per SMP 16.57.020.E. The STEP system will be constructed with flood resistant materials and designed to eliminate discharges from the system into floodwaters including the infiltration of floodwaters into the system.

Fish and Wildlife Conservation Areas- SMP Appendix C, Chapter 16.61

The step system is located approximately 160-feet south of the Lacamas Creek, outside of the required 150-foot stream buffer. Excavation for a portion of the sewer piping will also be installed within the vicinity of Oregon White Oaks but no trees are proposed for removal.

**FINDING: Temporary impacts to critical areas and associate buffers will be mitigated with flood resistant materials, Best Management Practices for erosion control during construction and native re-vegetation measures where feasible to ensure no net loss of ecological functions to the shoreline area.**

## **SPECIFIC SHORELINE USE REGULATIONS (CHAPTER 6)**

The specific use regulations for utilities begins at page 6-22 of the SMP. The applicant addresses the criteria of this section at page 15 of the narrative.

SMP Section 6.3.15 Utilities

*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 proposed STEP system cannot be located outside of the shoreline because of the need to connect to existing structures located within the shoreline. Proposal will be underground with the exception of one small electrical panel that serves to monitor system operations needs to be above ground for access.**

*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: Not applicable.**

*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: Most of the utility will be underground and no trees will be removed. The temporary soil disturbance due to construction will be replanted with native vegetation.**

*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: Consistent with this criterion as the STEP system will be installed in existing access roads, pathways and other existing disturbed areas. If located outside of existing disturbed areas to connect to structures, they will be located along the shortest feasible route except may be deviated in order to avoid potential tree removal.**

*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: Not applicable to this development as it is not proposed.**

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...(excerpt)*

**FINDING: Not applicable.**

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: Not applicable.**

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...(excerpt)*

**FINDING: Not applicable.**

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 applicable.**

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: Not applicable. No work is proposed on banks of Lacamas Creek or any other water body.**

## SHORELINE CONDITIONAL USE

As discussed throughout this report, the proposed activity is underground utilities which is allowed as a conditional use in the Urban Conservancy shoreline environment, per Table 6-1 of the SMP.

Pursuant to SMP, Appendix B, "Conditional use approval may be granted only if the applicant can demonstrate all of the following:

A. *The use will not cause significant adverse effects on the environment or other uses;*

**FINDING: No adverse effects are anticipated and the project would achieve a net benefit to water quality. All impacts will be mitigated.**

B. *The use will not interfere with public use of public shorelines;*



**FINDING:** No interference with the public use of shorelines will occur as the project is located underground and on private property.

*C. Design of the development will be compatible with the surroundings and the master program; and  
D. The proposed use will not be contrary to the general intent of the master program.”*

**FINDING:** As discussed throughout this report, the proposed underground step system is design to avoid ecological impact and provide a net benefit through the disconnection of on-site septic systems. Further, the project will not interfere with other shoreline uses, including public access. The project is in conformance with the general intent of the SMP.

## SEPA COMMENT

One SEPA comment was received from the Department of Archaeology and Historic Preservation (DAHP) on April 20, 2018 after the end of the comment period. The DAHP comment stated the applicant is required to obtain a permit from DAHP under RCW 27.53.

## CONCLUSIONS

1. Based upon the submitted plans and reports, SMRC finds that “step sewer system” is a conditional use activity within the urban conservancy shoreline designation in accordance with SMP Table 6-1, and may be approved.
2. Based upon the submitted plans and reports, SMRC 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.
3. As conditioned, the project is consistent with the SMP Chapter 6 Specific Shoreline Use Regulations, at Section 6.3.15 for Utilities.

## RECOMMENDATION

Staff recommends **APPROVAL** of the Camp Lacamas Step Sewer System Project (File #SHOR17-04) Substantial Development Permit and Shoreline Conditional Use Permit as conditioned.

Proposed Conditions of approval:

1. The applicant shall obtain a permit from DAHP under RCW 27.53. The archaeological conditions of the DAHP permit must be complied with prior to any site improvement activities.
2. Topography shall be returned to pre-construction contours after project installation.
3. Best Management Practices shall be implemented throughout project construction.
4. Upon construction completion, any areas of temporary disturbance shall be revegetated with native vegetation where feasible.
5. Irrigation or other measures shall be in place to ensure successful establishment of vegetative cover for a period of three years.

## APPEAL

Appeal information is found within the Camas SMP, Appendix B (page B-7).