



Planning Division | 616 NE 4th Ave | Camas, WA 98607

STAFF REPORT

SHORELINE MASTER PROGRAM PERIODIC REVIEW

TO:	Timothy Hein, Chair Planning Commission	HEARING:	September 15, 2020
		WORKSHOP:	July 21, 2020
FROM:	Sarah Fox, Senior Planner		
PUBLIC NOTICES:	Notice of Public Hearing and 30-day Joint Comment Period was published on August 13, 2020, Legal Publication #436580. Information on the periodic update is available to the public through the city's website at: https://www.cityofcamas.us/planning/		
	Notices were mailed to 642 properties within 500-feet of a shoreline on August 11, 2020		

APPLICABLE LAW: RCW 90.58 WA State Shoreline Management Act (SMA); WAC 173-26 State Master Program Approval/Amendment Procedures ; and the Camas Shoreline Master Program

Report Date: September 10, 2020

Public Meetings to Date: City Council (11/04/19 and 02/18/20); Planning Commission (11/19/19 and 7/21/20)

Technical Advisory Committee (TAC): Ellen Burton, City Council; Geoerl Niles, Planning Commission; Cassi Marshall, Parks Commission; Jeff Dambrun, Georgia-Pacific; Jack Loranger, Contractor; Kent Snyder, HHPR

TAC Meetings: 10/30/19; 12/04/19; and 02/27/20

Summary

The City of Camas is undertaking a periodic review of its Shoreline Master Program (SMP), as required by the Washington State Shoreline Management Act (SMA), RCW 90.58.080(4). The city's current plan was amended in its entirety in 2012, with limited amendments adopted in 2015.

The state requires each SMP be reviewed and revised, if needed, on an eight-year schedule. The review ensures the SMP stays current with changes in laws and rules, remains consistent with other City plans and regulations, and is responsive to changed circumstances, new information and improved data.

In order to encourage early and continuous public participation throughout the process of reviewing the SMP, the city has a webpage that will host information on the project to include document drafts, meeting schedules, and a Public Participation Plan. The "Shoreline Management Program" page can be found on Planning Division's website at: <https://www.cityofcamas.us/planning/shoreline>

Public Outreach

The city accepted a grant from the Department of Ecology to support the periodic review project. The bulk of the grant funding will allow the city to perform more robust public participation and outreach. The city hired a public relations firm, JLS, to create a communication plan to ensure a seamless feedback loop between the public, shoreline property owners, and the city. The deliverables include graphics that will set the tone throughout the update. JLS has created

an informational flyer, a mailer that was sent to over 600 shoreline property owners, and an informational video that is available on the city's YouTube channel.

Shoreline Master Program (SMP) Draft – Version 1.3

The SMP Technical Advisory Committee reviewed and vetted the first draft of proposed amendments. Version 1.0 was posted to the city's website at the beginning of January and shared with the Department of Ecology for early comments. Version 1.1 was brought before City Council with edits that were in response to comments received from the Department of Ecology. Generally the suggestions from Ecology were to ensure consistency throughout the document and ensure that the proposed changes are consistent with state laws.

The current version, Version 1.3 includes follow up work with the TAC, feedback from City Council, and initial recommendations from the Department of Ecology. A detailed explanation of the proposed amendments is included within the SMP Checklist (Version 1.3).

Discussion

The proposed amendments to the SMP include those that are mandated by Ecology due to changes to the law since the last update. These amendments also include changes being brought forward that were first suggested by staff and vetted with the SMP Technical Advisory Committee during two work sessions.

Although many of the changes are mundane, there are a few substantive changes, which are the focus of this report. A pivotal amendment under consideration is whether to eliminate the Shoreline Management Review Committee. There are very few cities in Washington that include a similar committee or board to render decisions on shoreline permits. Most cities issue shoreline substantial development permits administratively, and use a hearings examiner for the more complex, shoreline conditional use and variance permits.

Shoreline Management Review Committee

The Shoreline Management Review Committee (SMRC) includes four individuals and prescribes that they are from the following: (1) Community Development Director (ex-officio); (2) Planning Commission Chair; (3) Parks & Recreation Commission Chair; and (4) City Councilor. For comparison, in Camas, the majority of land use development permits are either issued administratively or by the hearings examiner. Only more discretionary development permits, such as Planned Residential Developments, are sent to City Council for a final decision, after a public hearing before Planning Commission.

The SMRC is responsible for reviewing the following types of permits: shoreline substantial developments, shoreline conditional uses, and shoreline variances. If a project is below certain thresholds, it could be deemed exempt from a shoreline substantial development permit. Developments that are exempt are reviewed by staff and do not require a decision from the Shoreline Management Review Committee.

When a project is not exempt from a shoreline substantial development permit, then it must be reviewed by the SMRC at a public meeting. Our city does not have a regular meeting time for the SMRC, and for that reason, meetings are scheduled when the applicant and all the members of the committee can attend—after required notice periods. The SMRC can approve or deny the application and may also decide to refer it to a public hearing before the city's hearings examiner. They can only refer an application after holding a public meeting. When the permit includes a shoreline conditional use or variance, then the SMRC is not the final decision maker, rather it is the WA Department of Ecology (Ecology).

The **general** timeframe for processing a typical shoreline Substantial Development Permit is as follows:

1. The city receives application and staff reviews it for technical completeness (7-21 days)
2. Prepare notice when application is complete and schedule public meeting (14 days)

- 3. Mail notice of application prior to the SMRC public meeting (30 days)
- 4. SMRC renders decision at meeting and local appeal period starts (14 days)
 Additionally, SMRC could refer the application to the city's hearings examiner (14-30 days)
- 5. Staff sends decision to Ecology and they respond with a "Date of filing" (3-7 days)
- 6. Construction may commence 21 days after the "Date of filing" if other approvals such as Site Plan Permits have been simultaneously issued (21 days)

Processing time for Shoreline Substantial Development Permit: 89 – 107 days (add 30-45 days if referred to hearings examiner)

Processing time for Shoreline Conditional Use or Variance Development Permit: 119 – 137 days (Final decision is rendered by Ecology)

As proposed, if the Shoreline Management Review Committee were rescinded, then shoreline permits would be either issued by staff or by the city's Hearings Examiner. For example, Shoreline Substantial Development (SSD) permits would be processed administratively as these application types are typically more prescriptive. "Administrative" review means that the SSD applications would no longer require a public meeting. And, this option would more closely match the processing of other development permits of this type (Refer to Camas Municipal Code, Title 17 Land Development and Title 18 Zoning).

The more complex permits would be rendered by the city's hearings examiner at a public hearing. Those permits include Shoreline Conditional Uses, Shoreline Variances, and local appeals of Shoreline Substantial Development Permits. The hearings examiner, similar to the current role of the SMRC, would issue the final decision on local appeals and prepare the city's recommendation (not a decision) on conditional use permits and variances. The final permit decision must be made by Ecology for shoreline conditional uses and variances.

Why should we eliminate the Shoreline Management Review Committee (SMRC)? Answer: Primarily because the SMRC public meetings rarely generate public interest. This lack of interest is not from lack of public awareness. A large sign is posted at the edge of the property that includes project details, letters are mailed to individual properties and a public notice is posted online. These public notice practices would continue regardless of the status of the SMRC. Eliminating the need for a public meeting for all SSDs would reduce the length of time for processing these permits by at least a month.

Another reason for eliminating the SMRC is due to the fact that shoreline permits are very technical environmental permits. The applicant and staff are experienced with navigating the layers of federal, state and local regulations; however it is not as easy for the layperson to follow. The committee members typically bring their deep understanding of the city to the meetings, but historically they do not have professional backgrounds in biology, ecology, or hydrogeology (or similar fields). As noted above, the committee of four is comprised of the chairs of the Planning Commission and Parks & Recreation Commission, an appointed councilmember, and the Director of the Community Development Department (ex-officio). There are rarely modifications to conditions of the permit as a result of the SMRC review at a public meeting.

In sum, the proposal captured in Version 1.3 is to process permits either administratively or by the hearings examiner. The public and affected property owners would still be provided notice and the opportunity to appeal shoreline permit decisions.

Docks and Mooring Buoys

The SMP allows new docks on the Columbia River and on Lacamas Lake with restrictions and with local permit approval. The current restriction states that a new private dock or mooring facility must be further than ¼ mile from a community facility. The proposed change to SMP Section 7.33.4 (#12) is to clarify that the distance should be measured along the shoreline, versus a straight line or along a roadway.

Currently there are 13 residential lots within ¼ mile of the Camas-Washougal Port community docks, with seven lots that are not part of the Rivers Edge Subdivision, which has a private community dock. Four of those seven residential lots have existing docks. There are no individual lots within ¼ mile of the city's moorage facility on Lacamas Lake or within ¼ mile of a private community dock. On Lacamas Lake there is one existing private dock at the north end of the lake, and there are six docks adjacent to the city's open space land on the east side of the lake. In sum, only seven residential lots would be restricted from building a moorage facility (new or replacement). Those lots would need to seek a variance from Ecology to build a moorage facility closer than a ¼ mile from the port.

Another amendment to the same section is to clarify that only one type of facility is allowed per lot, as the previous language was a bit hard to understand whether one lot could have one of each of the listed moorage types. The proposed language is below:

(draft version) SMP Section 7.3.3.4 Moorage Facilities: Docks, Piers, and Mooring Buoys

#12. One new private recreational moorage facility, non-commercial dock, or mooring buoy is allowed as follows (e.g.: one facility not a combination of options):

- a. For individual residential lots, the applicant shall demonstrate that existing facilities such as marinas and shared moorage are not adequate or not available for use.
- b. For each shoreline lot, or parcel, or contiguous group of lots or parcels in a single ownership that existed on the effective date of this Program (regardless of zoning), if shared moorage is unavailable within one-quarter (1/4) mile of proposed facility (shoreline distance).

Staff Recommendation

Conduct a public hearing, deliberate, and render a decision that will be forwarded to City Council.