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# LACAMAS COUNSELING CENTER

## Preliminary Shoreline Substantial Development Permit Narrative

### **Project summary - uses proposed for the site**

This site contains one parent parcel: #124290-000. The site is approximately 0.52 acres or 22,525 square feet in size. The site is currently vacant. The site address is 3631 NE Everett Street. The project proposes to develop 1 new building and necessary infrastructure to support this in one phase within the MX zone. The MX mixed use zone allows for a minimum lot size of 1,800 square feet. The net site area for the project after removing public right-of-way and the BLA with the neighbor to the south is 0.50 acre.

Access will come from the existing NE Everett Street along the east edge of the site. Right-of-way widths and the necessary dedications were confirmed by boundary survey by MGS following the pre-app. Seven feet of public right-of-way will be dedicated along NE Everett Street. Frontage improvements will be completed on NE Everett Street. A private parking lot is proposed on-site. The site is located in the Gateway Corridor zoning overlay. The MX (Mixed Use) zoning is under Commercial uses in the Comprehensive Plan. The project is tentatively scheduled to be constructed in early 2023.

### **Background**

Lacamas Counseling & Psychiatry is a mental health practice that was formed in 2016 with the strategic goal of improving the mental health, wellbeing, and relationships of the residents of Camas and the surrounding areas. The name Lacamas Counseling & Psychiatry was strategically chosen as a geographical reference for the residents of Camas, WA. Lacamas Counseling & Psychiatry was identified and awarded in 2016 by the Vancouver Business Journal as the Healthiest Company for Small Business. Lacamas Counseling & Psychiatry specifically strives to improve the well-being of everyone within and around the business.

In 2021 Lacamas Counseling & Psychiatry began pursuing the continued development of this goal of improved well-being by purchasing the property on 3631 Everett St. in Camas, WA with the dream of incorporating the positive benefits of a natural setting that uses green spaces and blue spaces (water, lakes, rivers, oceans, etc.) on mental health. Weir, K. (2020) in the American Psychological Association states “exposure to nature has been linked to a host of benefits, including improved attention, lower stress, better mood, reduced risk of psychiatric disorders and even upticks in empathy and cooperation”; and “researchers are now also beginning to study the benefits of blue spaces, places with river and ocean views.” The lot was strategically chosen as the ideal place for fostering and supporting improved mental health as clients will enter a place of nature and beauty that will automatically breathe life, freshness, and restoration into the troubled and distressed bodies of each individual who is carrying significant burdens, stress, and challenging emotions. The setting is strategically chosen as a place that is outside the busy bustle of society and actively invites people to a calmness and centeredness that provokes clarity.

Weir continued to highlight other notable benefits of exposure to green spaces and blue spaces as places that “promote self-control behaviors... and improves working memory, cognitive flexibility and attentional control, while exposure to urban environments is linked to attention deficits.” Nature is also a place that acts as a buffer to the impact of social isolation and loneliness. In a study on Denmark resident:

They found that children who lived in neighborhoods with more green space had a reduced risk of many psychiatric disorders later in life, including depression, mood disorders, schizophrenia, eating disorders and substance use disorder. For those with the lowest levels of green space exposure during childhood, the risk of developing mental illness was 55% higher than for those who grew up with abundant green space.

Research is beginning to highlight a term called “high environmental quality” which specifically identifies increased vitality, mood, and health in areas with increased biodiversity that includes a variety of environmental factors of diverse flora and fauna, water features, and land topography. Livini, E. (2018) “This deep biological connection has been shown to trigger an immediate response in our brains when we’re near water. In fact, the mere sight and sound of water can induce a flood of neurochemicals that promote wellness, increase blood flow to the brain and heart and induce relaxation.”

In light of the diverse research on the benefits of green spaces and blue spaces on mental health, Lacamas Counseling & Psychiatry is pursuing creation of office space that is surrounded by high environmental quality and biodiversity for the well-rounded efforts in supporting improved well-being for the residents of Camas, WA. Lacamas Counseling & Psychiatry envisions providers being able to access nature as part of the mental health plan and counseling sessions whether through the transition moments of coming to and from sessions or modeling to clients the active incorporation of nature into mental health through walking sessions around the eventual T-3 or sitting sessions on outdoor benches overlooking Lacamas Lake. Providers within Lacamas Counseling & Psychiatry have already trailblazed new forms of therapy called “Walk & Talk Therapy” as a way to increase access to care for clients who may be averse to traditional forms of therapy, Lacamas Counseling & Psychiatry (2022). Lacamas Counseling & Psychiatry’s efforts and goals continue to incorporate research in their efforts to increase mental health balance and care.

#### Citations:

Weir, K. (2020, April 1). Nurtured by Nature. American Psychological Association.

<https://www.apa.org/monitor/2020/04/nurtured-nature#:~:text=From%20a%20stroll%20through%20a,upticks%20in%20empathy%20and%20cooperation.>

Livini, E. (2018, August 5). Blue Mind science proves the health benefits of being by water. Quartz.

<https://qz.com/1347904/blue-mind-science-proves-the-health-benefits-of-being-by-water/#:~:text=%E2%80%9CThis%20deep%20biological%20connection%20has,and%20heart%20and%20induce%20relaxation.>

Lacamas Counseling & Psychiatry. (n.d.). Walk & Talk Therapy. Retrieved June 29, 2022 from

<https://lacamascounseling.com/counseling-services/walk-talk-therapy/>

#### Uses

The project is a commercial use. Office space, bathrooms, hallways and closets along with a waiting room are proposed for the new building. An accessory parking lot is also proposed on-site. Table 6-1 in the SMA list accessory parking as a conditional use in the Urban Conservancy area of the shoreline. The table also lists commercial buildings as a conditional use when they are Water-related, or Water-enjoyment, which this project qualifies as. As described above in the business background, Lacamas Counseling & Psychiatry depends on the presence of nature for their therapy, specifically water bodies like Lacamas Lake.

#### Hours of operation

The development will typically function 8am – 8pm M-F. Some site use will take place on the weekends on an as needed basis. Site construction will be short term and will likely take place Monday-Saturday 7am to 7pm and abide by the noise ordinance.

**THE APPLICANT’S RESPONSES TO THE APPLICABLE SECTIONS OF THE SHORELINE MASTER PROGRAM (SMP) ARE BELOW IN BOLD CAPITAL TEXT. NON-APPLICABLE SECTIONS OF CODE HAVE BEEN OMITTED WITH N/A AFTER THE SECTION HEADING(S).**



# Camas Shoreline Master Program

Adopted by Ordinance No. 21-003

February 16, 2021

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**SOME PAGES HAVE CHANGED NUMBERS FOR THIS NARRATIVE. NON-APPLICABLE SECTIONS OF THIS CODE HAVE BEEN OMITTED FROM THIS NARRATIVE TO HELP REDUCE THE SIZE OF THE DOCUMENT.**

## **CHAPTER 1 INTRODUCTION**

### **1.1 Title**

This document shall be known and may be cited as the Camas (City) Shoreline Master Program (referred to in this document as Program or SMP).

### **1.2 Adoption Authority**

This Program is adopted under the authority granted by the Shoreline Management Act (SMA, or the Act) of 1971 (Revised Code of Washington (RCW) 90.58) and Chapter 173-26 of the Washington Administrative Code (WAC) as amended.

### **1.3 Background**

The first Shoreline Master Program (SMP) for the City was published on October 24, 1977. This document provided the initial criteria for management of shorelines within the city in compliance with the SMA of 1971.

The State of Washington requires periodic updates to all shoreline master programs, which is the genesis for an update in 1997. In 1997, the City embarked on an update to their 1977 program by engaging citizens and collaborating with other municipalities. The SMP adopted by Ordinance #2191, on January 11, 1999, was entitled “Camas Shoreline Master Program, December 14, 1998”. This SMP was created through the work of two committees: the Clark County Citizen Advisory Committee, which consisted of representatives from Washougal, Vancouver, La Center, and unincorporated Clark County; and the City’s Citizen Advisory Committee. There was a limited amendment to the Program adopted on October 1, 2009, which was namely to allow for carefully constructed trails within Natural Shoreline Designations.

The 2003 Washington State Legislature enacted a law (Substitute Senate Bill 6012) for Washington cities and counties to amend their SMP’s by December 2011 and offered grants to assist communities in meeting this deadline. In order to obtain the best value for limited state grant funds, the cities of Camas, Battleground, Vancouver, Washougal, Ridgefield, La Center, Town of Yacolt, and Clark County agreed to form a coalition by means of an interlocal agreement (Record #4570316 IA). The Clark County Coalition was established in 2009, to update the shoreline inventory, and to encourage public participation on the mandated SMP amendments. The resulting SMP was adopted by Council with Ordinance #2643 and went into effect after final approval by Ecology on September 12, 2012. Amendments to update critical area regulations were adopted by Ordinance #15-007 that were in effect on July 27, 2015 until superseded by this version.

In 2019 Ecology offered grant funds to jurisdictions with periodic reviews due in 2020 and 2021. Camas was awarded a grant to assist with the mandated update and to conduct a more robust public outreach effort. The city convened an ad hoc committee of volunteers with expertise in shoreline development, held a series of public workshops, and sent information to residents via mail and online.

## **1.4 Acknowledgements**

Although, it is difficult to thank everyone who contributed countless hours to the development and review of this document, the City would like to acknowledge and thank the following individuals:

### **City Council**

Mayor, Barry McDonnell  
Melissa Smith  
Steve Hogan  
Greg Anderson

Don Chaney  
Bonnie Carter  
Ellen Burton  
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## 1.5 Purpose and Intent

The purpose of this Program is:

1. To guide the future development of shorelines in the City in a positive, effective, and equitable manner consistent with the Act;
2. To promote the public health, safety, and general welfare of the community by providing long range, comprehensive policies and effective, reasonable regulations for development and use of the City's shorelines; and
3. To ensure, at minimum, no net loss of shoreline ecological functions and processes and to plan for restoring shorelines that have been impaired or degraded by adopting and fostering the following policy contained in RCW 90.58.020, Legislative Findings for shorelines of the state:

*"It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner, which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto..."*

*In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the State shall be preserved to the greatest extent feasible consistent with the overall best interest of the State and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the State's shoreline. Alterations of the natural condition of the shorelines of the State, in those limited instances when authorized, shall be given priority for single family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the State, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the State, and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the State.*

*Permitted uses in the shorelines of the State shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water."*



**THIS PROJECT WILL NOT INTERFERE WITH THE PUBLIC'S USE OF THE SHORELINE. THE PROJECT SITE DOES NOT PHYSICALLY TOUCH SHORELINE/WATER FOR LACAMAS LAKE. THIS PROJECT WILL PROVIDE A TRAIL CONNECTION FROM THE LACAMAS COUNSELING PARKING LOT TO THE FUTURE CITY TRAIL ON THE WEST SIDE OF THE PROJECT. THIS PROJECT WILL ONLY ENHANCE THE PROPERTY AND OPPORTUNITY FOR A NEW BUSINESS AND RESIDENCE TO ENJOY THE AREA. THERE WILL BE NO NET LOSS OF FUNCTIONS FOR THE LACAMAS LAKE SHORELINE. THE PURPOSE AND INTENT OF THE SMP WILL BE ACHIEVED WITH THIS PROJECT. SEE THE SITE PLAN/DESIGN REVIEW NARRATIVE ALONG WITH THIS NARRATIVE FOR THE DETAILS AS TO HOW THE PURPOSE, INTENT AND GOALS OF THE SMP HAVE BEEN ACHIEVED.**

## **1.6 Governing Principles**

4. The goals, policies, and regulations of this Program are intended to be consistent with the State shoreline guidelines in Chapter 173-26 of the WAC. The goals, policies and regulations are informed by the Governing Principles in WAC 173-26-186, and the policy statements of RCW 90.58.020.
5. Any inconsistencies between this Program and the Act must be resolved in accordance with the Act.
6. Regulatory or administrative actions contained herein as Appendix 'B' Administration and Enforcement, must not unconstitutionally infringe on private property rights or result in an unconstitutional taking of private property.
7. The regulatory provisions of this Program are limited to shorelines of the state, whereas the planning functions of this Program extend beyond the designated shoreline boundaries, given that activities outside the shoreline jurisdiction may affect shorelines of the state.
8. The policies and regulations established by this Program must be integrated and coordinated with those policies and rules of the Camas Comprehensive Plan and development regulations adopted under the Growth Management Act (RCW 36.70A) and RCW 34.05.328, Significant Legislative Rules.
9. Appendices A (Camas Shoreline Designations Map), B (Administration and Enforcement), C (Critical Area Regulations and Maps), and D (Restoration Plan) are governing documents and considered integral to this Program.
10. Protecting the shoreline environment is an essential statewide policy goal, consistent with other policy goals. This Program protects shoreline ecosystems from such impairments in the following ways:
  - a. By using a process that identifies, inventories, and ensures meaningful understanding of current and potential ecological functions provided by shorelines;

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- b. By including policies and regulations that require mitigation of adverse impacts in a manner that ensures no net loss of shoreline ecological functions. The required mitigation shall include avoidance, minimization, and compensation of impacts in accordance with the policies and regulations for mitigation sequencing in WAC 173-26-201(2)(e)(i), Comprehensive Process to Prepare or Amend Shoreline Master Programs.
  - c. By including policies and regulations to address cumulative impacts, to include ensuring that the cumulative effect of exempt development will not cause a net loss of shoreline ecological functions, and by fairly allocating the burden of addressing such impacts among development opportunities.
  - d. By including regulations and regulatory incentives designed to protect shoreline ecological functions and restore impaired ecological functions where such functions have been identified.

## **1.7 Liberal Construction**

As provided for in RCW 90.58.900, Liberal Construction, the Act is exempted from the rule of strict construction; the Act and this Program shall therefore be liberally construed to give full effect to the purposes, goals, objectives, and policies for which the Act and this Program were enacted and adopted.

## **1.8 Severability**

Should any section, subsection, paragraph, sentence, clause or phrase of this Program or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any other person or situation. The City Council of the City of Camas hereby declares that it would have adopted this ordinance and each section, subsection sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional.

## **1.9 Relationship to Other Plans and Regulations**

1. Proponents of shoreline use, or development shall comply with all applicable laws prior to commencing any shoreline use, development, or activity.
  2. Where this Program refers to any RCW, WAC, or other state, or federal law or regulation the most recent amendment or current edition shall apply.
  3. Uses, developments and activities regulated by this Program may also be subject to the provisions of the following: the City of Camas Comprehensive Plan; the 2007 Parks, Recreation and Open Space Comprehensive Plan (for the city); the Washington State Environmental Policy Act ("SEPA," RCW Chapter 43.21C and WAC Chapter 197-11); other provisions of Camas Municipal Code (CMC), specifically CMC Title 18 Zoning Code; and various other provisions of local, state and federal law, as may be amended.
  4. In the event this Program conflicts with other applicable City policies or regulations, they must be interpreted and construed so that all the language used is given effect, with no portion rendered meaningless or superfluous, and unless otherwise stated, the provisions that provide the most protection to shoreline
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ecological processes and functions shall prevail.

5. Projects in the shoreline jurisdiction that have been previously approved through local and state reviews are vested. Major changes that were not included in the originally approved permit will be subject to the policies and regulations of this Program.

**THIS PROJECT IS NEW CONSTRUCTION AND THE SMP IS APPLICABLE. THERE ARE NO GRANDFATHERED USES OR STRUCTURES ON THIS SITE. THIS PROJECT HAS SUBMITTED A SEPA, SITE PLAN REVIEW, DESIGN REVIEW AND CRITICAL AREAS PERMIT. CAMAS COMMUNITY DEVELOPMENT WILL REVIEW THOSE APPLICATIONS AND SEEK FEEDBACK FROM ECOLOGY, WDFW, THE PUBLIC AND A HEARINGS EXAMINER.**

### **1.10 Effective Date**

This Program and all amendments thereto shall take effect fourteen (14) days after written notice of approval from the Department of Ecology (Ecology) and shall apply to new applications submitted on or after that date and to applications that have not been determined to be fully complete by that date.

This program was adopted by City Council with Ordinance # 21-003 (February 16, 2021) and went into effect after final approval by Ecology on June 11, 2021.

## CHAPTER 2      APPLICABILITY, SHORELINE PERMITS AND EXEMPTIONS

To be authorized, all uses and development activities in shorelines shall be carried out in a manner consistent with this Program and the policy of the Act as required by RCW 90.58.140(1), regardless of whether a shoreline permit, statement of exemption, shoreline variance, or shoreline conditional use is required.

### 2.1 Applicability

1. This Program shall apply to all of the shorelands and waters within the City of Camas that fall under the jurisdiction of RCW 90.58. Such shorelands shall include those lands extending two hundred (200) feet in all directions as measured on a horizontal plane from the ordinary high water mark (OHWM), floodways and contiguous floodplain areas landward two hundred feet from such floodways, associated wetlands, critical areas with associated buffer areas, river deltas associated with the streams, and lakes and tidal waters that are subject to the provisions of this program, as may be amended; the same to be designated as to location by Ecology, as defined by RCW 90.58.

Within the City of Camas the following waters are considered “shorelines” and are subject to the provisions of this Program: Lacamas Creek; Fallen Leaf Lake; Lacamas Lake; and Round Lake. The Columbia and Washougal Rivers are further identified as shorelines of statewide significance. A copy of the Camas Shoreline Designations Map and its UGA is shown in Appendix A.

The City is pre-designating shorelines within its adopted UGA. Until annexation occurs, all development in these areas will continue to be regulated by the Clark County Shoreline Master Program. The City’s SMP will apply concurrent with annexation and no additional procedures are required by Ecology at the time of annexation (WAC 173-26-150) unless a re-designation is occurring as specified per Table 4-1 of this Program.

**THIS PROJECT IS LOCATED IN THE URBAN CONSERVANCY PORTION OF THE SHORELINE. THE SITE IS LOCATED ON A PARCEL WHICH DOES NOT TOUCH THE WATER OF LACAMAS LAKE. THE CITY OF CAMAS OWNS A 100 FOOT WIDE PARCEL WHICH IS LOCATED ADJACENT TO THE LAKE ON THE WEST SIDE OF THIS PROJECT. THIS PROJECT PROPOSES A NEW BUILDING, PARKING LOT AND LANDSCAPING WHICH FALLS WITHIN 135-200 FEET OF THE OHWM OF LACAMAS LAKE. A SUBSTANTIAL DEVELOPMENT PERMIT AND CONDITIONAL USE ARE REQUIRED FOR THIS PROPOSAL TO MEET THE CITY CODES AND THE SMP.**

2. Maps indicating the extent of shoreline jurisdiction and shoreline designations are for guidance only. They are to be used in conjunction with best available science, field investigations and on-site surveys to accurately establish the location and extent of shoreline jurisdiction when a project is proposed. All areas meeting the

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definition of a shoreline or a shoreline of statewide significance, whether mapped or not, are subject to the provisions of this Program.

**THIS PROJECT IS LOCATED IN THE URBAN CONSERVANCY PORTION OF THE SHORELINE.**

3. This Program shall apply to every person, individual, firm, partnership, association, organization, corporation, local or state governmental agency, public or municipal corporation, or other non-federal entity that develops, owns, leases, or administers lands, wetlands, or waters that fall under the jurisdiction of the Act; and within the external boundaries of federally owned lands (including but not limited to, private in-holdings in national wildlife refuges).

**THIS PROGRAM APPLYS TO THIS PROJECT.**

4. Non-federal agency actions undertaken on federal lands must comply with this Program and the Act.

**N/A**

5. Native American Tribes' actions on tribal lands and federal agencies' actions on federal lands are not required, but are encouraged, to comply with the provisions of this Program and the Act. Nothing in this chapter shall affect any rights established by treaty to which the United States is a party.

**N/A**

6. Hazardous Substance remedial actions pursuant to a consent decree, order, or agreed order issued under RCW Chapter 70.105(D) are exempt from all procedural requirements of this Program.

**N/A**

7. Applicants that are responding to an emergency water withdrawals and facilities shall be provided an expedited permit decision from the Administrator, no longer than 15 days in accordance with RCW 90.58.370.

**N/A**

8. Certain forest practices that are not regulated by the Act and are regulated under RCW Chapter 76.09 are not subject to additional requirements of this Program.

**N/A**

9. The administrative regulations of this Program are superseded in authority by the terms and provisions of an environmental excellence program or agreement, entered into under RCW 43.21(K) Environmental Excellence Program. The environmental excellence agreement must meet the substantive requirements of this Program. An environmental excellence program agreement must achieve more effective or efficient environmental results than the results that would be otherwise achieved.

**N/A**

10. Shoreline development occurring in or over navigable waters may require a shoreline permit in addition to other approvals required from state and federal agencies.

**N/A**

11. This Program shall apply whether the proposed development or activity is exempt from a shoreline permit or not.

**THIS PROGRAM APPLIES TO THIS PROJECT.**

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**2.2 Shoreline Substantial Development Permit Required**

1. Substantial development as defined by this program and RCW 90.58.030 requires a substantial development permit approval from the Shoreline Administrator (herein after referred to as “Administrator”), unless the use or development is specifically identified as exempt from a substantial development permit.

**THIS PROJECT IS SUBJECT TO A SUBSTANTIAL DEVELOPMENT PERMIT.**

2. The Administrator may issue a substantial development permit only when the development proposed is consistent with the policies and procedures of RCW 90.58; the provisions of WAC 173-27; Appendix B - Administration and Enforcement; and this Program.

**THIS PROJECT WILL HAVE A STAFF REPORT AND DECISION FROM THE CITY ADMINISTRATOR. THE HEARINGS EXAMINER WILL ALSO RULE ON THE PERMIT AND PROVIDE CONDITIONS OF APPROVAL.**

3. Within an urban growth area a shoreline substantial development permit is not required on land that is brought under shoreline jurisdiction due to a shoreline restoration project creating a landward shift in the OHWM.

**N/A**

## **2.3 Exemptions from a Shoreline Substantial Development Permit**

**THIS PROJECT IS NOT EXEMPT FROM A SHORELINE SUBSTANTIAL DEVELOPMENT PERMITS.**

## **2.4 Prohibited Uses**

The following modifications and uses are prohibited in all shoreline designations and are not eligible for review as a shoreline conditional use or shoreline variance.

1. Uses not otherwise allowed in the underlying zoning district;
2. Discharge of solid wastes, liquid wastes, untreated effluents, other potentially harmful materials;
3. Solid waste or hazardous waste landfills;
4. Speculative fill;
5. Dredging or dredge material disposal in wetlands; and
6. Dredging or dredge material disposal to construct land canals or small basins for boat moorage or launching, water ski landings, swimming holes or other recreational activities.
7. Commercial timber harvest.

**THIS PROJECT DOES NOT PROPOSE ANY OF THE PROHIBITED USES IN THIS SECTION.**

## **2.5 Nonconforming Development**

**THIS PROJECT IS A CONFORMING DEVELOPMENT. THIS SECTION IS NOT APPLICABLE.**

## **2.6 Shoreline Variance**

**THIS PROJECT IS NOT PROPOSING ANY VARIANCES TO THE SMP.**

## **2.7 Shoreline Conditional Use Permit**

1. The purpose of the conditional use permit is to provide greater flexibility in varying the application of the use regulations of this Program in a manner that will be consistent with the policies of the Act and this Program, particularly where denial of the application would thwart the policies of the Act.
2. When a conditional use is requested, the hearings examiner shall be the final authority for the City, whose recommendation is then forwarded to Ecology. Shoreline conditional uses must have approval from Ecology, which shall have final approval authority under WAC 173-27-200.
3. A shoreline conditional use permit is processed in accordance with the administrative provisions of Appendix B of this Program.

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4. Other uses not specifically identified in this Program are considered shoreline “unclassified uses” and may be authorized through a conditional use permit if the applicant can demonstrate consistency with WAC 173-27-160.
  5. Uses specifically prohibited by this Program may not be authorized.
  6. The burden of proving that a proposed shoreline conditional use meets the criteria of this Program and WAC 173-27-160 shall be on the applicant. Absence of such proof shall be grounds for denial of the application.

**TABLE 6-1 IN THE SMA LIST ACCESSORY PARKING AS A CONDITIONAL USE IN THE URBAN CONSERVANCY AREA OF THE SHORELINE. THE TABLE ALSO LISTS COMMERCIAL BUILDINGS AS A CONDITIONAL USE WHEN THEY ARE WATER-RELATED, OR WATER-ENJOYMENT, WHICH THIS PROJECT QUALIFIES AS. AS DESCRIBED ABOVE IN THE BUSINESS BACKGROUND, LACAMAS COUNSELING & PSYCHIATRY DEPENDS ON THE PRESENCE OF NATURE FOR THEIR THERAPY, SPECIFICALLY WATER BODIES LIKE LACAMAS LAKE.**

## **CHAPTER 3      SHORELINE MASTER PROGRAM GOALS AND POLICIES**

This chapter describes overall Program goals and policies. The general regulations in Chapter 5 and the specific use regulations in Chapter 6 are the means by which these goals and policies are implemented.

### **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.

### **3.2      Shorelines of Statewide Significance**

Within the City of Camas, the Columbia River and the Washougal River are designated shorelines of statewide significance (SSWS). Shorelines of statewide significance are of value to the entire state. In accordance with RCW 90.58.020, SSWS will be managed as follows:

1. Preference shall be given to the uses that are consistent with the statewide interest in such shorelines. These are uses that:
  - a. Recognize and protect the statewide interest over local interest;
  - b. Preserve the natural character of the shoreline;
  - c. Result in long term over short term benefit;



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- d. Protect the resources and ecological function of the shoreline;
  - e. Increase public access to publicly-owned areas of the shorelines;
  - f. Increase recreational opportunities for the public in the shoreline; and
  - g. Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary.
2. Uses that are not consistent with these policies should not be permitted on SSWS.
  2. Those limited shorelines containing unique, scarce and/or sensitive resources should be protected.

**N/A. THERE ARE NO UNIQUE, SCARCE OR SENSITIVE RESOURCES ON THIS SITE. THE OREGON WHITE OAK TREES IN THE NW AND SW CORNERS OF THE SITE ARE BEING PROTECTED.**

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

**THIS PROJECT MEETS THE OVERALL GOALS AND POLICIES OF THE SMP. THIS PROJECT IS LOCATED IN AN ALREADY DEVELOPED AREA OF THE SHORELINE. EXISTING HOMES AND BUSINESSES ARE LOCATED TO THE NORTH, SOUTH AND EAST OF THIS PROPERTY.**

**BECAUSE THE PROJECT SITE DOES NOT PHYSICALLY TOUCH LACAMAS LAKE MANY OF THE SPECIFIC GOALS ARE NOT APPLICABLE. ALSO, BECAUSE THE PROJECT SITE DOES NOT TOUCH THE LAKE AND THERE IS A 100 FOOT CITY OWNED PIECE OF PROPERTY INBETWEEN THE PROJECT AND THE LAKE MANY OF THE GOALS OF THE SMP ARE EASILY MET AND SUPPORTED. SOME GOALS AND ACHIEVEMENTS OF THIS PROJECT ARE LISTED BELOW.**

- **RETAIN AND MAINTAIN THE EXISTING OREGON WHITE OAK TREES ON-SITE AND ADJACENT TO THE SITE. THIS SUPPORTS 1.b. & d. ABOVE.**
- **PROVIDE PUBLIC TRAIL CONNECTION THROUGH THE SITE TO THE FUTURE CITY TRAIL ALONG THE LAKE. THIS SUPPORTS 1. e. & f. ABOVE.**

### **3.3 Archaeological, Historic, and Cultural Resources**

**THIS PROJECT COMPLETED A SITE ARCHAEOLOGICAL STUDY AND REPORT. APPLIED ARCHAEOLOGICAL RESEARCH COMPLETED THE STUDY AND REPORT. THERE WERE NO FINDING OF HISTORICAL SIGNIFICANCE ON-SITE AND NOT ADDITIONAL WORK IS NECESSARY. AN INADVERTENT DISCOVERY PLAN AND PROTECTION LANGUAGE WILL BE PROVIDED WITH THE SITE CONSTRUCTION PLANS TO HELP PROTECT ANY RESOURCES IF DISCOVERED DURING CONSTRUCTION.**

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## **3.4 Conservation**

### **3.4.1 Goal**

The goal of conservation is to protect shoreline resources, vegetation, important shoreline features, shoreline ecological functions and the processes that sustain them to the maximum extent practicable.

### **3.4.2 Policies**

1. Shorelines that support high value habitat or high-quality associated wetlands should be considered for the highest level of protection to remain in an unaltered condition.
2. Impacts to critical areas should first be avoided, and where unavoidable, minimized and mitigated to result in no net loss of watershed processes and shorelines functions.
3. Management practices for natural resources (including agriculture, timber and mining) in shoreline areas should be developed and implemented to ensure the preservation of non-renewable resources, including unique, scenic and ecologically sensitive features, wetlands, and wildlife habitat.
4. Priority should be given to proposals to create, restore or enhance habitat for priority species.
5. Emphasize policies and standards to protect and conserve critical areas as larger blocks, corridors or interconnected areas rather than in isolated parcels.
6. Encourage the retention of existing vegetation along shorelines and where removal is unavoidable for physical or visual access to the shoreline, limit alteration such that habitat connectivity is maintained, degraded areas are restored, and the health of remaining vegetation is not compromised.

**THIS PROJECT DOES NOT HAVE ANY WETLANDS ON-SITE. THERE ARE ALSO NO HABITAT FEATURES SUCH AS CREEKS OR SPRINGS LOCATED ON-SITE. THERE ARE HABITAT BUFFERS WHICH EXTEND ONTO THE SITE. THE 165 FOOT SHORELINE VEGETATION BUFFER IS SHOWN ON THE SITE PLANS AND IS NOT BEING IMPACTED WITH THIS PROPOSAL. NO MATURE TREES OR VEGETATION IS BEING REMOVED FROM THE 165 FOOT VEGETATION BUFFER. THE SMALL OREGON WHITE OAK TREES IN THE NW CORNER OF THE SITE ARE BEING RETAINED AND PROTECTED FROM THIS DEVELOPMENT. THERE ARE LARGE OREGON WHITE OAK TREES LOCATED TO THE NORTH AND WEST OF THE SITE. WHITE OAKS ARE PROTECTED HABITAT IN CAMAS AND SOUTHWEST WASHINGTON. THIS PROJECT MEETS AND SUPPORTS ALL THE REQUIRED HABITAT BUFFERS.**

## **3.5 Economic Development**

### **3.5.1 Goal**

The goal for economic development is to create and maintain an economic environment that is balanced with the natural and human environment.

**3.5.2 Policies**

1. Current economic activity that is consistent with the policies of this SMP should continue to be supported.
2. Healthy economic growth is allowed and encouraged through those economic activities that will be an asset to the local economy and which will result in the least possible adverse effect on the quality of the shoreline and downstream environments.
3. New water-oriented industrial, commercial, and resource-based activities that will not harm the quality of the site's environment, adjacent shorelands, or water quality are encouraged along the shoreline. Limit or discourage uses that are nonwater-oriented and are not accessory to a water-oriented use.
4. As an economic asset, the recreation industry should be encouraged along shorelines in a manner that will enhance the public enjoyment of shorelines, consistent with protection of critical areas and cultural resources.
5. Existing non-water-oriented commercial, industrial, and resource-based activities located in the shoreline jurisdiction are encouraged to protect watershed processes and shoreline functions.

**THIS PROJECT IS A COMMERCIAL USE LOCATED IN THE MX (MIXED USE) ZONE. THIS BUSINESS IS A WATER RELATED AND WATER ENJOYMENT USE.**

**3.6 Flood Prevention and Flood Damage Minimization**

**THIS PROJECT IS NOT LOCATED IN THE FLOOD ZONE. THIS SECTION IS NOT APPLICABLE. WORK ON THIS PROJECT WILL NOT AFFECT ANY ADJACENT PROPERTIES. THIS PROJECT IS LOCATED 14 FEET ABOVE THE OHWM OF LACAMAS LAKE.**

**3.7 Public Access and Recreation****3.7.1 Goal**

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

**3.7.2 Policies**

1. Provide, protect, and enhance a public access system that is both physical and visual; utilizes both private and public lands; increases the amount and diversity of public access to the State's shorelines and adjacent areas; and is consistent with the shoreline character and functions, private rights, and public safety.

2. Increase and diversify recreational opportunities by promoting the continued public acquisition of appropriate shoreline areas for public use and develop recreation facilities so that they are distributed throughout the community to foster convenient access.
3. Locate public access and recreational facilities in a manner that encourages variety, accessibility, and connectivity in a manner that will preserve the natural characteristics and functions of the shoreline. Public access includes both active and passive recreational activities (e.g. trails, picnic areas, viewpoints)
4. Coordinate public access provisions consistent with adopted city trail system.
5. Encourage public access as part of each development project by a public entity and for all private development unless such access is shown to be incompatible due to reasons of safety, security, or impact to the shoreline environment.
6. Discourage shoreline uses that curtail or reduce public access unless such restriction is in the interest of the environment, public health, and safety, or is necessary to a proposed beneficial use.

**THIS PROJECT WILL PROVIDE A NEW PUBLIC TRAIL CONNECTION FROM NE EVERETT STREET TO THE FUTURE CITY TRAIL. THE PROJECT SITE DOES NOT TOUCH THE WATER OF LACAMAS LAKE. ACCESS TO THE WATER WILL BE PROVIDED BY THE CITY TRAIL ON THE CITY PROPERTY. THERE ARE MULTIPLE PUBLIC ACCESS AND RECREATIONAL OPPORTUNITIES LOCATED JUST SOUTH AND WEST FROM THIS SITE. DEVELOPMENT OF THE PROPOSED PROJECT WILL NOT LIMIT ACCESS OR RECREATIONAL OPPORTUNITIES FOR THE PUBLIC.**

### **3.8 Restoration**

**THIS PROJECT IS NOT A RESTORATION EFFORT. THE PROJECT SITE IS UNDEVELOPED OPEN FIELD WITH SOME MATURE TREES ALONG THE WESTERN SIDE. THE PROJECT SITE IS SEPARATED FROM THE EDGE OF LACAMAS LAKE BY OVER 100 FEET HORIZONTALLY AND 14 FEET VERTICALLY. THIS SECTION OF THE SMP IS NOT APPLICABLE TO THE PROJECT.**

### **3.9 Shoreline Modification and Stabilization**

**AS EXPLAINED ABOVE THIS SECTION OF THE SMP IS NOT APPLICABLE. THIS PROJECT DOES NOT TOUCH THE SHORELINE OR OHWM OF LACAMAS LAKE.**

### **3.10 Shoreline Use and Development**

#### **3.10.1 Goal**

The goal for shoreline use and development is to balance the preservation and development of shorelines in a manner that allows for mutually compatible uses. Resulting land use patterns will be compatible with shoreline designations and sensitive to and compatible with ecological systems and other shoreline resources. To help with this balance, shoreline and water areas with unique attributes for specific long term uses such as commercial, residential, industrial, water, wildlife, fisheries, recreational and open space shall be identified and reserved.

### 3.10.2 Policies

1. Uses in shorelines and water areas in priority order are (1) water-dependent, (2) water-related, and (3) water-enjoyment.

**THIS PROJECT IS A WATER-RELATED AND WATER-ENJOYMENT USE. THE LANDSCAPE OF THE LAKE AND MATURE FOREST SHORELINE ARE CRITICAL FOR THE SUCCESS OF THE BUSINESS. AS DESCRIBED IN THE INTRO TO THIS NARRATIVE, LACAMAS COUNSELING AND PSYCHIATRY DEPENDS ON THE PRESENCE OF NATURE FOR THEIR THERAPY, SPECIFICALLY WATER BODIES LIKE LACAMAS LAKE.**

2. Uses, activities, and facilities should be located on shorelines in such a manner as to:
  - a. Retain or improve the quality of shoreline function;
  - b. Respect the property rights of others;
  - c. Ensure that proposed shoreline uses do not create risk or harm to neighboring or downstream properties; and
  - d. Preserve or restore, to the maximum reasonable extent, the shoreline's natural features and functions in conjunction with any redevelopment or revitalization project.

**THIS PROJECT HAS WORKED EXTENSIVELY WITH THE NEIGHBORING PROPERTIES TO DESIGN THE BUILDING AND SITE IMPROVEMENTS. PROPERTY RIGHTS HAVE BEEN RESPECTED AND MAINTAINED. MATURE TREES AND THEIR CANOPIES HAVE BEEN EVALUATED BY A LOCAL ARBORIST AND NECESSARY MAINTENANCE/PRUNING IS PLANNED WITH THIS PROJECT TO IMPROVE SAFETY AND TREE HEALTH. THE PROPOSED PROJECT WILL NOT AFFECT THE USE OR QUALITY OF THE EXISTING SHORELINE.**

3. The following are encouraged in shoreline areas:
  - a. Uses that enhance their specific areas or employ innovative features for purposes consistent with this program;
  - b. The redevelopment of any area not suitable for preservation of natural features, based on its shoreline designation;
  - c. Shared uses and joint use facilities in shoreline developments; and
  - d. Uses that allow for restoration of shoreline areas that are degraded as a result of past activities or events.

**THE PROJECT AND APPLICANTS SUPPORT THIS POLICY. THE SITE AND NEW PARKING LOT COULD BE USED BY THE CITY FOR ACTIVITIES DURING HOURS THE BUSINESS IS CLOSED, SUCH AS A TRAIL RUN EVENT. THIS WOULD SUPPORT POLICY 3.C. THIS SITE IS NOT A DEGRADED AREA AND DOES NOT REQUIRE RESTORATION. THIS SITE IS NOT A UNIQUE OR SPECIAL NATURAL AREA THAT WOULD BENEFIT FROM PRESERVATION IN A NATURAL STATE. EXISTING HOMES AND BUSINESSES ARE LOCATED ADJACENT TO THE SITE. DEVELOPMENT OF THIS SITE INTO A LOCAL BUSINESS THAT SUPPORTS MENTAL HEALTH WILL PROVIDE**

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**SHORELINE.**

4. The impact of uses proposed on lands adjacent to but outside of immediate shoreline jurisdiction should be considered whether they are consistent with the intent of this SMP.

**THIS POLICY IS NOT APPLICABLE FOR THIS SITE.**

5. A Medium Intensity shoreline designation is provided in the northeast portion of Lacamas Lake to provide a center for mixed use development that will include water dependent and water oriented uses that increase the public's ability to enjoy public waters and may include residential use in mixed use proposal. To mitigate impacts of development, Leadbetter Road should be relocated further from the shoreline and a continuous buffer of native vegetation provided, if feasible. Public access should be provided throughout the shoreline area.

**THIS POLICY IS NOT APPLICABLE FOR THIS SITE.**

### **3.11 Transportation, Utilities, and Essential Public Facilities**

**THIS POLICY IS NOT APPLICABLE FOR THIS SITE.**

### **3.12 Views and Aesthetics**

**THIS POLICY IS NOT APPLICABLE FOR THIS SITE. THE PROJECT SITE IS NOT VISIBLE FROM THE LAKE OR ACROSS THE LAKE TO THE WEST. NO VIEWS WILL BE ALTERED WITH THIS PROJECT. THE PROJECT CANNOT CURRENTLY SEE THE LAKE. WHEN THE CITY BUILDS THE TRAIL ON THEIR 100 FOOT WIDE PIECE OF PROPERTY THEY MAY TRIM UP SOME OF THE OAK AND MAPLE TREES WHICH MAY ALLOW FOR A LIMITED VIEW OF THE WATER FROM THE SITE. THE PUBLIC MAY USE THE FUTURE CITY TRAIL TO WALK ALONG THE LAKE AND HAVE VIEWS OF THE LAKE DEPENDING ON THE TRAIL LOCATION.**

### **3.13 Water Quality and Quantity**

#### **3.13.1 Goal**

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 safe, clean water for the public's needs and enjoyment; and protect wildlife habitat.

#### **3.13.2 Policies**

1. Encourage the location, construction, operation, and maintenance of shoreline uses, developments, and activities to be focused on maintaining or improving the quality and quantity of surface and ground water over the long term.
2. Minimize, through effective education, site planning, and best management practices, the inadvertent release of chemicals, activities that cause erosion, stormwater runoff, and faulty on-site sewage systems that could contaminate or cause adverse effects on water quality.
3. Encourage the maintenance and restoration of appropriate vegetative buffers

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along surface waters to improve water temperature and reduces the adverse effects of erosion and runoff.

**THIS PROJECT IS NOT LOCATED ADJACENT TO THE LAKE. A 165 FOOT VEGETATED BUFFER OF MATURE FOREST WILL BE RETAINED BETWEEN THIS PROJECT AND LACAMAS LAKE. THERE IS NO HYDROLOGICAL CONNECTON FROM THIS SITE TO THE LAKE. ALL STORMWATER FROM THIS SITE WILL BE TREATED AND INFILTRATED INTO THE GROUND. NO HAZARDOUS CHEMICALS OR RUNOFF WILL OCCUR WITH THE PROPOSED COUNSELING CENTER USE. SANITARY SEWER FOR THE NEW BATHROOMS WILL BE CONNECTED TO THE PUBLIC CITY SYSTEM IN NE EVERETT STREET. NO SEPTIC SYSTEMS WILL BE USED FOR THE PROJECT. AN EXISTING WATER WELL ON-SITE WILL BE PROPERLY DECOMMISSIONED BY A LICENSED CONTRACTOR AND NECESSARY REPORTS WILL BE PROVIDED TO CLARK COUNTY PUBLIC HEALTH.**

## **CHAPTER 4      SHORELINE DESIGNATIONS**

### **4.1 Introduction**

The intent of assigning shoreline designations to specific geographies is to encourage development that will enhance the present or desired character of the shoreline. To accomplish this, segments of shoreline are given a shoreline designation based on existing development patterns, natural capabilities and limitations, and the vision of the City of Camas. The shoreline designations are intended to work in conjunction with the comprehensive plan and zoning.

Management policies are an integral part of the shoreline designations and are used for determining uses and activities that can be permitted in each shoreline designation. Chapters 5 and 6 contain development regulations to specify how and where permitted development can take place within each shoreline designation and govern height and setback.

### **4.2 Authority**

Local governments are required under the State Shoreline Management Act of 1971 (RCW 90.58) and the Shoreline Master Program Guidelines (WAC 173-26) to develop and assign a land use categorization system known as “shoreline environment designations” for shoreline areas as a basis for effective shoreline master programs. For purposes of this Program “shoreline designation” is used in place of the term “shoreline environment designation” referred to in WAC 173-26.

The method for local government to account for different shoreline conditions is to assign a shoreline designation to each distinct shoreline section in its jurisdiction. The shoreline designation assignments provide the framework for implementing shoreline policies and regulatory measures for environmental protection, use provisions, and other regulatory measures specific to each shoreline designation.

### **4.3 Shoreline Designations**

The City classification system consists of shoreline designations that are consistent with and implement the Act (RCW 90.58), the Shoreline Master Program Guidelines (WAC 173-26) and the City of Camas Comprehensive Plan. These designations have been assigned consistent with the corresponding criteria provided for each shoreline designation. In delineating shoreline designations, the City aims to ensure that existing shoreline ecological functions are protected with the proposed pattern and intensity of development. Such designations should be consistent with the policies for restoration of degraded shorelines. The five shoreline designations are:

- Aquatic;
- Natural;

- Urban Conservancy;
- Medium Intensity; and
- High Intensity.

**THIS PROJECT IS LOCATED IN AN URBAN CONSERVANCY DESIGNATION. OTHER DESIGNATIONS BELOW HAVE BEEN OMITTED BECAUSE THEY ARE NOT APPLICABLE.**

### 4.3.3 Urban Conservancy Shoreline Designation

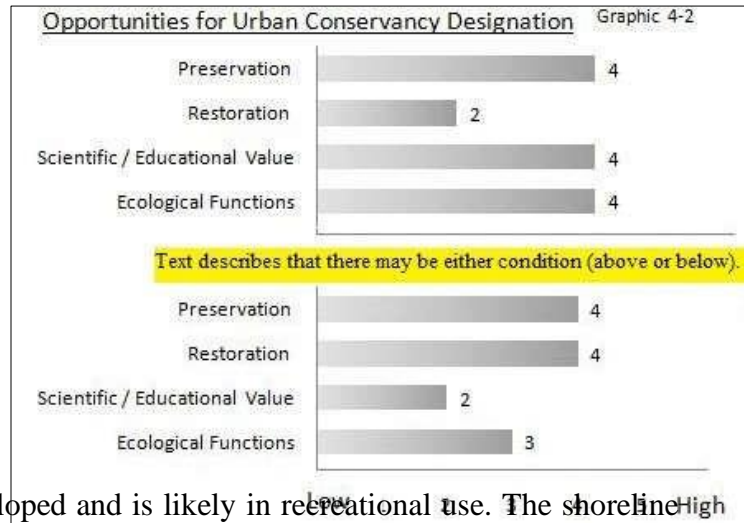
#### 4.3.3.1 Purpose

The purpose of the “Urban Conservancy” shoreline designation is to protect and restore ecological functions of open space, floodplains, and other sensitive lands, where they exist in urban and developed settings, while allowing a variety of compatible uses.

#### 4.3.3.2 Designation Criteria

The following criteria are used to consider an Urban Conservancy shoreline designation:

- 1) The shoreline has moderate to high ecological function with moderate to high opportunity for preservation and low to moderate opportunity for restoration. Or the shoreline has low to moderate ecological function with moderate to high opportunity for restoration (Graphic 4-2);
- 2) The shoreline has open space or critical areas that should not be more intensively developed (e.g. steep slopes or flood-prone);
- 3) The shoreline is not highly developed and is likely in recreational use. The shoreline has the potential for development that is compatible with ecological restoration. The shoreline is planned for a park, or as open space; and
- 4) The shoreline has a potential for water-oriented recreational use where ecological functions can be maintained or restored.



#### 4.3.3.3 Areas Designated

The Urban Conservancy shoreline designation applies to areas as shown on a copy of the Camas Shoreline Designations Map in Appendix A.

#### 4.3.3.4 Management Policies

In addition to the other applicable policies and regulations of this Program the following management policies shall apply:

- 1) Uses that preserve the natural character of the area or promote preservation of open



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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.

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

**THIS PROJECT IS A LOW INTENSITY WATER-RELATED AND WATER-ENJOYMENT USE THAT DOES NOT HAVE ANY DIRECT CONNECTION WITH LACAMAS LAKE. THE MAJORITY OF THE URBAN CONSERVANCY DESIGNATION CRITERIA AND MANAGEMENT POLICIES DO NOT APPLY TO THIS PROJECT. THE PROPOSED PROJECT WILL NOT AFFECT THE HABITAT FUNCTIONS OR SHORELINE CHARACTER OF LACAMAS LAKE. THE PROPOSED SITE USE WILL PRESERVE THE NATURAL CHARACTER OF THE SITE WHERE IT ABUTS THE CITY OWNED PROPERTY WHICH IS A MATURE FOREST OF MAPLE AND OAK TREES. NO THINNING OR REMOVAL OF VEGETATION IS PROPOSED FOR THIS PROJECT.**

#### **4.4 Official Shoreline Map**

**THIS SECTION IS NOT APPLICABLE FOR THIS PROJECT. THE SITE IS MAPPED AS URBAN CONSERVANCY AND THE APPLICANT DOES NOT DISPUTE THIS MAPPING.**

#### **4.4.5 Shoreline Designation Changes and Urban Growth Boundary Revisions**

**THIS SECTION IS NOT APPLICABLE FOR THIS PROJECT.**

## CHAPTER 5 GENERAL SHORELINE USE AND DEVELOPMENT REGULATIONS

All uses and development activities in shorelines shall be subject to the following general regulations in addition to the applicable use-specific regulations in Chapter 6.

### 5.1 General Shoreline Use and Development Regulations

1. Shoreline uses and developments that are water-dependent shall be given priority.  
**THIS REGULATION IS NOT APPLICABLE. THE PROJECT SITE DOES NOT PHYSICALLY TOUCH LACAMAS LAKE. A WATER DEPENDENT USE COULD NOT BE DEVELOPED ON THIS SITE DUE TO THE LACK OF PHYSICAL CONNECTION TO THE LAKE.**

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

N/A

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.

N/A

3. 4. NOT. 3. 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.

**NO CLEARING OF THE SITE HAS TAKEN PLACE. THERE ARE NO MATURE TREES OR SHRUBS ON THE MAJORITY OF THE SITE. THE EXISTING WHITE OAK TREES IN THE NW CORNER OF THE SITE WILL BE PRESERVED AND PROTECTED. THE SITE DESIGN HAS MINIMIZED AND AVOIDED ANY ENVIRONMENTAL IMPACTS AND NOT CREATED ANY 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.

N/A

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.

**N/A THIS IS A SITE PLAN AND NO LAND DIVISIONS ARE PROPOSED.**

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.

N/A

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.

N/A

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.

N/A

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 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.

**THIS PROJECT HAS AVOIDED ALL IMPACTS TO THE SHORELINE AND CRITICAL AREAS.**

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

N/A

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.

**THIS PROJECT HAS WORKED TO MEET ALL THE APPLICABLE SMP STANDARDS ALONG WITH ALL APPLICABLE CITY CODES. NO VARIANCES OR RELIEF FROM SMP CODE IS REQUESTED FROM ECOLOGY.**

## 5.2 Archaeological, Cultural and Historic Resources

When a shoreline use or development is in an area known or likely to contain archaeological artifacts as indicated on the *City of Camas Archaeological Probability* map, or as recorded at the state or county historical offices, then the applicant shall provide for a site inspection and evaluation by a professional archaeologist. Development permits may not be issued until the inspection and evaluation have been completed and the city has issued approval.

If an item of possible archeological interest is discovered on site, all work shall immediately cease and notification of such a find will be sent to the City, the Office of Archaeology and Historic Preservation and affected Native American tribes. Activities on site may resume only upon receipt of the City's approval.

**THIS PROJECT COMPLETED A SITE ARCHAEOLOGICAL STUDY AND REPORT. APPLIED ARCHAEOLOGICAL RESEARCH COMPLETED THE STUDY AND REPORT. THERE WERE NO FINDING OF HISTORICAL SIGNIFICANCE ON-SITE AND NOT ADDITIOINAL WORK IS NECESSARY. AN INADVERTENT DISCOVERY PLAN AND PROTECTION LANGUAGE WILL BE PROVIDED WITH THE SITE CONSTRUCTION PLANS TO HELP PROTECT ANY RESOURCES IF DISCOVERED DURING CONSTRUCTION.**

## 5.3 Critical Areas Protection

Critical Areas Regulations are found in Appendix C of this program and are specifically at Chapters 16.51 through 16.61. Provisions of the Critical Areas Regulations that are not consistent with the Shoreline Management Act, RCW Chapter 90.58, and supporting Washington Administrative Code chapters shall not apply in shoreline jurisdiction. These

regulations are integral and applicable to this Program, except that:

1. Non-conforming uses and development within the shoreline jurisdiction shall be subject to both this Program and Appendix C, and where there is a conflict, the most protective of environmental functions shall apply;
2. The Fish and Wildlife Habitat Conservation Area buffers for Stream Type S in Appendix C, Section 16.61.040 are modified as follows for the following areas:
  - a. Columbia River, SR-14 to SE Third Avenue<sup>2</sup> at twenty-feet (20’).
  - b. Washougal River, lots fronting on First Avenue between SE Garfield Street and NE Third Street, twenty-feet (20’) from the top of slopes exceeding forty- percent (40%).
  - c. Lacamas Lake buffers from OHWM shall not extend landward of NE Leadbetter Road.
  - d. Columbia River, lots fronting on SE 12<sup>th</sup> Avenue and SE 11<sup>th</sup> Avenue between SE Polk Street and SE Front Street, shall be twenty-percent (20%) of lot depth as measured from the OHWM.

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<sup>2</sup> This describes land that is zoned Heavy Industrial (HI) and at the adoption of this Program was occupied by the Georgia Pacific Mill.

3. CMC Chapter 16.57 Frequently Flooded Areas applies within shoreline jurisdiction but is not incorporated as specific regulations of this SMP.

**THIS PROJECT IS NOT LOCATED IN THE AREAS LISTED ABOVE. HABITAT BUFFERS HAVE BEEN SHOWN AND PROTECTED ON THE SITE PLANS.**

### **5.3.1 Applicable Critical Areas**

For purposes of this Program, the following critical areas, as defined in Appendix C will be protected under this Program: Wetlands; Critical Aquifer Recharge Areas; Frequently Flooded Areas; Geologically Hazardous Areas; and Fish and Wildlife Habitat Conservation Areas.

### **5.3.2 General Provisions**

1. Shoreline uses, activities, developments and their associated structures and equipment shall be located, designed and operated to protect the ecological processes and functions of critical areas.
2. Provisions of the Critical Areas Regulations that are not consistent with the Shoreline Management Act Chapter, 90.85 RCW, and supporting Washington Administrative Code chapters shall not apply in shoreline jurisdiction.
3. Where appropriate, new or redevelopment proposals shall integrate protection of wetlands, fish and wildlife habitat, and flood hazard reduction with other stream management provisions, such as retention of channel migration zones, to the extent they are within the shoreline jurisdictional area to ensure no net loss of ecological functions.
4. Critical areas within the shoreline jurisdiction shall be regulated for any use, development or activity, as provided in accordance with this Program, and Appendix C, whether a permit or written statement of exemption is required.

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5. If provisions of Appendix C and other parts of this Program conflict, the provisions most protective of ecological and historic resources shall apply.
  6. Unless otherwise stated, critical area buffers shall be protected and/or enhanced in accordance with this Program and Appendix C. These provisions do not extend the shoreline jurisdiction beyond the limits specified in this Program as defined in Section 2.1 Applicability.
  7. In addition to compensatory mitigation, unavoidable adverse impacts may be addressed through restoration efforts.

**HABITAT BUFFERS HAVE BEEN SHOWN AND PROTECTED ON THE SITE PLANS. NO OTHER CRITICAL AREAS LISTED ABOVE EXIST ON THIS PROJECT SITE.**

## **5.4 Flood Prevention and Flood Damage Minimization**

**THIS SECTION IS NOT APPLICABLE TO THE PROJECT.**

## **5.5 Public Access**

1. Provisions for adequate public access shall be incorporated into all shoreline development proposals that involve public funding unless the proponent demonstrates public access is not feasible due to one or more of the provisions of Section 5.5 Regulation 2.a-e.
2. Provisions for adequate public access shall be incorporated into all land divisions and other shoreline development proposals, unless this requirement is clearly inappropriate to the total proposal. The nexus, proportionality, need and support for such a connection shall be based on the policies of this Program. Public access will not be required where the proponent demonstrates one or more of the following:
  - a. Unavoidable health or safety hazards to the public exist that cannot be prevented by any practical means;
  - b. Inherent security requirements of the use cannot be satisfied through the application of alternative design features or other solutions;
  - c. The cost of providing the access, easement, alternative amenity, or mitigating the impacts of public access are unreasonably disproportionate to the total proposed development;
  - d. Significant environmental impacts that cannot be mitigated will result from the public access; or
  - e. Significant undue and unavoidable conflict between public access requirements and the proposed use and/or adjacent uses would occur, provided that the applicant has first demonstrated and the City determines that all reasonable alternatives have been evaluated and found infeasible, including but not limited to: Regulating access by such means as maintaining a gate and/or limiting hours of use; Designing separation of uses and activities (including but not limited to, fences, terracing, landscaping); and Provisions for access at a site geographically separated from the proposal such as a street end, vista or trail system.

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3. Public access sites shall be connected to a barrier free route of travel and shall include facilities based on criteria within the Americans with Disabilities Act Accessibility Guidelines.
  4. Public access shall include provisions for protecting adjacent properties from trespass and other possible adverse impacts to neighboring properties.
  5. A sign indicating the public's right of access to shoreline areas shall be installed and maintained in conspicuous locations.
  6. Required public access shall be developed at the time of occupancy of the use or activity.
  7. Public access shall consist of a dedication of land or a physical improvement in the form of a walkway, trail, bikeway, corridor, viewpoint, park, deck, observation tower, pier, boat launching ramp, dock or pier area, or other area serving as a means of view and/or physical approach to public waters and may include interpretive centers and displays.
  8. Public access easements and permit conditions shall be recorded on the deed of title and/or on the face of a plat or short plat as a condition running contemporaneous with the authorized land use, as a minimum. Said recording with the County Auditor's Office shall occur at the time of permit approval.
  9. Future actions by the applicant, successors in interest, or other parties shall not diminish the usefulness or value of the public access provided.
  10. Maintenance of the public access facility shall be the responsibility of the owner unless otherwise accepted by a public or non-profit agency through a formal agreement approved by the Shoreline Administrator and recorded with the County Auditor's Office.

**THIS PROJECT HAS PROVIDED A PUBLIC TRAIL CONNECTION THROUGH THE SITE TO THE FUTURE CITY TRAIL ALONG THE WEST SIDE OF THE SITE. THERE ARE NO OTHER OPPORTUNITIES FOR PUBLIC ACCESS WITH THIS PROJECT.**

## **5.6 Restoration**

N/A

## **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.

**THIS PROJECT MEETS THIS REQUIREMENT AS DESCRIBED THROUGHOUT THIS NARRATIVE AND IN THE SITE PLAN AND DESIGN REVIEW NARRATIVES.**

2. Impervious surfaces shall be minimized to the extent feasible so as not to jeopardize public safety.

**THIS PROJECT HAS PROVIDED THE MINIMUM SIZE PARKING LOT ALLOWED BY CITY CODE. PUBLIC SAFETY WILL NOT BE JEOPARDIZED WITH THIS PROJECT.**

3. When feasible, existing transportation corridors shall be utilized.

**THIS PROJECT IS UTILIZING THE EXISTING TRANSPORTATION CORRIDOR KNOWN AS NE EVERETT STREET OR SR-500.**

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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.

**THIS PROJECT MEETS THIS REQUIREMENT AS DESCRIBED THROUGHOUT THIS NARRATIVE AND IN THE SITE PLAN AND DESIGN REVIEW NARRATIVES.**

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.

**THIS PROJECT MEETS THIS REQUIREMENT AS DESCRIBED THROUGHOUT THIS NARRATIVE AND SHOWN ON THE SITE PLAN. THE PARKING LOT IS LOCATED LANDWARD OF THE BUILDING AND LACAMAS LAKE. THE BUILDING IS THE WATER-ORIENTED PORTION OF THE PRINCIPAL 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.

**THIS PROJECT IS NOT NEAR THE SHORELINE AND NO VISUAL BUFFERING IS NECESSARY. AN EXISTING 100 FOOT WIDE CITY PARCEL SERVES AS A BUFFER WITH MATURE MAPLE AND OAK TREES.**

7. Elevated walkways shall be utilized, as appropriate, to cross sensitive areas such as wetlands.

**N/A**

8. Fencing, walls, hedges, and similar features shall be designed in a manner that does not significantly interfere with wildlife movement.

**THIS PROJECT DOES NOT INTERFERE WITH WILDLIFE MOVEMENT. THE CITY OWNED PROPERTY ALONG LACAMAS LAKE ALLOWS FOR UNIMPEDED 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.

**THIS PROJECT WILL SHIELD ITS LIGHTING FROM THE BUILDING AND PARKING LOT.**

10. Utilities shall be located within roadway and driveway corridors and rights-of-way wherever feasible.

**THIS PROJECT MEETS THIS CRITERIA.**

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.

**THIS SECTION IS NOT APPLICABLE.**

### **5.7.2 Clearing, Grading, Fill and Excavation**

**THIS SECTION IS NOT APPLICABLE. NO CLEARING OR GRADING IS PROPOSED WITHIN 150 FEET OF THE OHWM OF LACAMAS LAKE.**

### **5.7.3 Building Design**

1. Structures shall be designed to conform to natural contours and minimize disturbance to soils and native vegetation
2. Non-single family structures shall incorporate architectural features that provide compatibility with adjacent properties, enhance views of the landscape from the water, and reduce scale to the extent possible.
3. Building surfaces on or adjacent to the water shall employ materials that minimize reflected light.
4. Façade treatments, mechanical equipment and windows in structures taller than two (2) stories, shall be designed and arranged to prevent bird collisions using the best available technology. Single-family residential structures shall be exempt from this provision.

**THIS PROJECT IS NOT VISIBLE FROM OR ADJACENT TO LACAMAS LAKE. THESE BUILDING DESIGN PRINCIPALS DO NOT APPLY TO THIS PROJECT. 100 FEET OF MATURE FOREST IS LOCATED BETWEEN THIS SITE AND THE OHWM OF LACAMAS LAKE.**

### **5.8 Vegetation Conservation**

1. Removal of native vegetation shall be avoided. Where removal of native vegetation cannot be avoided, it shall be minimized to protect ecological functions.
2. If native vegetation removal cannot be avoided it shall be minimized and mitigated as recommended by a qualified biologist within a Critical Area Report and shall result in no net loss of shoreline functions. Lost functions may be replaced by enhancing other functions provided that no net loss in overall functions is demonstrated and habitat connectivity is maintained. Mitigation shall be provided consistent with an approved mitigation plan per Appendix C.
3. Clearing by hand-held equipment of invasive or non-native shoreline vegetation or plants listed on the State Noxious Weed List is permitted in shoreline locations if native vegetation is promptly re-established in the disturbed area.
4. If non-native vegetation is to be removed, then it shall be replaced with native vegetation within the shoreline jurisdiction.
5. Pruning of trees is allowed in compliance with the National Arborist Association pruning standards. Pruning must meet the following criteria:
  - a. Removal of no more than twenty (20) percent of the limbs of any single tree may be removed; and
  - b. No more than twenty (20) percent of canopy in a single stand of trees may be removed in a given five (5) year period without a shoreline permit.
6. Topping trees is prohibited.



7. If the city determines that a tree is hazardous as verified by an arborist report, then only the hazardous portion shall be removed. Complete removal should be avoided to the extent possible. The remainder of the tree shall remain to provide habitat functions and slope stability. Mitigation may be required to compensate for reduced tree surface area coverage.
8. Natural features such as snags, stumps, logs or uprooted trees, which do not intrude on the navigational channel or threaten or public safety, and existing structures and facilities, shall be left undisturbed.
9. Natural in-stream features such as snags, uprooted trees, or stumps should be left in place unless it can be demonstrated that they are not enhancing shoreline function or are a threat to public safety.
10. Aquatic weed control shall only occur to protect native plant communities and associated habitats or where an existing water-dependent use is restricted by the presence of weeds. Aquatic weed control shall occur in compliance with all other applicable laws and standards and shall be done by a qualified professional.

**THIS PROJECT DOES NOT PROPOSE ANY VEGETATION REMOVAL WITHIN 165 FEET OF THE OHWM OF LACAMAS LAKE. ONLY 2-3 LIMBS OF THE MATURE OAK TREES ARE PROPOSED FOR TRIMMING TO HELP IMPROVE SAFETY AND TREE HEALTH ON-SITE AND FOR THE ADJACENT PROPERTY OWNERS. THIS PROJECT MEETS THE CRITERIA LISTED ABOVE FOR VEGETATION CONSERVATION. NATIVE PLANTS ARE PROPOSED FOR THE ON-SITE LANDSCAPING WITHIN THE 200 FOOT SHORELINE MANAGEMENT ZONE.**

## **5.9 Visual Access**

Visual access shall be maintained, enhanced, and preserved as appropriate on shoreline street-ends, public utility rights-of-way above and below the ordinary high water mark. Any new or expanded building or structure over thirty-five (35) feet in height above average grade level that obstructs the shoreline view of a substantial number of residences that are adjoining shorelines shall not be allowed in accordance with RCW 90.58.320.

**THIS SECTION IS NOT APPLICABLE TO THIS PROJECT.**

## **5.10 Water Quality and Quantity**

1. The location, design, construction, and management of all shoreline uses and activities shall protect the quality and quantity of surface and ground water adjacent to the site.
2. All shoreline development shall comply with the applicable requirements of CMC Chapter 14.02 Stormwater Control.
3. Best management practices (BMPs) for control of erosion and sedimentation shall be implemented for all shoreline development in substantial compliance with CMC Chapter 14.06 Erosion and Sediment Control.
4. Potentially harmful materials, including but not limited to oil, chemicals, tires, or hazardous materials, shall not be allowed to enter any body of water or wetland, or to ~~be discharged onto the land except in accordance with CMC Chapter 14.04 Illicit~~

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Discharges, dumping and Illicit Connections. Potentially harmful materials shall be maintained in a safe and leak-proof condition

5. Herbicides, fungicides, fertilizers, and pesticides shall not be applied within twenty-five (25) feet of a waterbody, except by a qualified professional in accordance with state and federal laws. Further, pesticides subject to the [finalruling](#) in *Washington Toxics Coalition, et al., v. EPA* shall not be applied within sixty (60) feet for ground applications or within three hundred (300) feet for aerial applications of the subject water bodies and shall be applied by a qualified professional in accordance with state and federal law.
6. Any structure or feature in the Aquatic shoreline designation shall be constructed and/or maintained with materials that will not adversely affect water quality or aquatic plants or animals. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants.
7. Conveyance of any substance not composed entirely of surface and stormwater directly to water resources shall be in accordance with CMC Chapter 14.02.
8. Septic systems should be located as far landward of the shoreline and floodway as possible. Where permitted, new on-site septic systems shall be located, designed, operated, and maintained to meet all applicable water quality, utility, and health standards.

**THIS PROJECT IS NOT LOCATED ADJACENT TO THE LAKE. A 165 FOOT VEGETATED BUFFER OF MATURE FOREST WILL BE RETAINED BETWEEN THIS PROJECT AND LACAMAS LAKE. THERE IS NO HYDROLOGICAL CONNECTON FROM THIS SITE TO THE LAKE. ALL STORMWATER FROM THIS SITE WILL BE TREATED AND INFILTRATED INTO THE GROUND. NO HAZARDOUS CHEMICALS OR RUNOFF WILL OCCUR WITH THE PROPOSED COUNSELING CENTER USE. SANITARY SEWER FOR THE NEW BATHROOMS WILL BE CONNECTED TO THE PUBLIC CITY SYSTEM IN NE EVERETT STREET. NO SEPTIC SYSTEMS WILL BE USED FOR THE PROJECT. AN EXISTING WATER WELL ON-SITE WILL BE PROPERLY DECOMMISSIONED BY A LICENSED CONTRACTOR AND NECESSARY REPORTS WILL BE PROVIDED TO CLARK COUNTY PUBLIC HEALTH.**

## CHAPTER 6 SPECIFIC SHORELINE USE REGULATIONS

### 6.1 General Provisions

1. This chapter contains the regulations that apply to specific uses, developments, and activities in the shoreline jurisdiction.
2. These regulations are intended to work in concert with all sections of this Program and in particular the Goals and Policies (Chapter 3) and General Use and Development Regulations (Chapter 5).

### 6.2 Shoreline Use, Modification, and Standards Tables

1. Each shoreline designation shall be managed in accordance with its designated purpose as described in this Program (see Chapter 4). Table 6-1 identifies those uses that are prohibited, may be permitted or permitted with a conditional use approval in each shoreline designation. In the event conflicts exist between the Table 6-1 and the text in this chapter, the text shall apply.

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2. Table 6-1 also summarizes general setbacks and building heights for uses within each shoreline designation. These setbacks apply in conjunction with the requirements of the critical areas' requirements established in Chapter 5 and provided in Appendix C. Where heights of structures are allowed over thirty-five feet (35'), then a visual impact study may be required in accordance with Section 5.9 *Visual Access* of this Program. In the event a conflict exists between Table 6-1 and the requirements of Chapter 5, the most protective of shoreline functions shall apply.
  3. In Table 6-1, setbacks are measured landward from the ordinary high water mark (OHWM) in the NT, UC, MI and HI Shoreline Designations. For transportation facilities and utilities, the setback from OHWM pertains to the right of way and not just the structure or pipeline. In the AQ Shoreline Designation, the setback is waterward of the OHWM.

**THIS PROJECT MEETS THE SETBACKS IN TABLE 6-1. THE PARKING LOT IS LOCATED OVER 150 FEET FROM THE OHWM OF LACAMAS LAKE. THE BUILDING IS LOCATED OVER 50 FEET FROM THE OHWM OF LACAMAS LAKE. THE MIDPOINT OF THE SINGLE STORY BUILDING ROOF IS 15 FEET TALL AND MEETS THE REQUIREMENTS OF THE URBAN CONSERVANCY ZONE FOR WATER-RELATED AND WATER-ENJOYMENT USES.**

Table 6-1 Shoreline Use, Modification and Development Standards

Abbreviations: P = Permitted C = Conditional Use	X = Prohibited N/A = Not Applicable	AQ	NT	UC	MI	HI
Shoreline Designation	Aquatic	Natural	Urban Conservancy	Medium Intensity	High Intensity	
<b>Shoreline Uses</b>						
<b>Agriculture</b>						
Agriculture	X	X	X	X	X	X
· Building Setback	N/A	N/A	N/A	N/A	N/A	N/A
· Building Height	N/A	N/A	N/A	N/A	N/A	N/A
<b>Aquaculture</b>						
Aquaculture, General	P	X	C	C	C	C
· Building setback	0 <sup>1</sup>	N/A	50 <sup>1</sup>	0 <sup>1</sup>	0 <sup>1</sup>	0 <sup>1</sup>
<b>Boating Uses</b>						
Motorized Boat Launches	P	X	C	C	P	P
Non-motorized Boat Launches	P	C	P	P	P	P
Marinas	P	X	X	C	C	C
· Structure Setback	0'	N/A	N/A	0 <sup>1</sup>	0 <sup>1</sup>	0 <sup>1</sup>
· Structure Height						
- 0-100' from OHWM	N/A	N/A	N/A	25'	35'	35'
- >100 from OHWM	N/A	N/A	N/A	35'	45'	45'
Docks, Piers, Mooring Buoys <sup>3</sup>	P <sup>3</sup>	X	P <sup>3</sup>	P <sup>3</sup>	P	P
Houseboat or Live-aboard Vessel	X	X	X	X	X	X
<b>Commercial Uses</b>						
Water-dependent	P	X	C	P	P	P
· Building Setback	0 <sup>1</sup>	N/A	50 <sup>2</sup>	0 <sup>1</sup>	0 <sup>1</sup>	0 <sup>1</sup>
· Building Height	15'	N/A	15'	45'	60'	60'
Water-related, Water-enjoyment	X	X	C	P	P	P
· Building Setback	N/A	N/A	50 <sup>2</sup>	50 <sup>2</sup>	25 <sup>2</sup>	25 <sup>2</sup>
· Building Height			15'	45'	60'	60'
Non-water-oriented	X	X	X	C	C	C
· Building Setback	N/A	N/A	N/A	100 <sup>2</sup>	100 <sup>2</sup>	100 <sup>2</sup>
· Building Height	N/A	N/A	N/A	45'	60'	60'
<b>Forestry</b>						
Log Storage	C	X	X	X	X	X
Timber Harvest	X	X	X	X	X	X
<b>Industrial Uses</b>						
Water-dependent	P	X	X	C	P	P
· Building Setback	0 <sup>1</sup>	N/A	N/A	0 <sup>1</sup>	0 <sup>1</sup>	0 <sup>1</sup>
· Building Height						
- 0-100' from OHWM	45'	N/A	N/A	45'	60'	60'
- >100 from OHWM	45'	N/A	N/A	45'	60'	60'
Water-related	X	X	X	C	P	P
· Building Setback	N/A	N/A	N/A	100 <sup>2</sup>	50 <sup>2</sup>	50 <sup>2</sup>
· Building Height	N/A	N/A	N/A	45'	45'	45'
Non-water-oriented	X	X	X	X	P	P
· Building Setback	N/A	N/A	N/A	N/A	50 <sup>2</sup>	50 <sup>2</sup>
· Building Height	N/A	N/A	N/A	N/A	45'	45'
<b>Institutional Uses</b>						
Water-dependent	P	X	X	P	P	P
· Building Setback	0 <sup>1</sup>	N/A	N/A	0 <sup>1</sup>	0 <sup>1</sup>	0 <sup>1</sup>
· Building Height						
- 0-100' from OHWM	15'	N/A	N/A	25'	35'	35'
- >100 from OHWM	15'	N/A	N/A	35'	45'	45'
Water-related	X	X	X	C	P	P
· Building Setback	N/A	N/A	N/A	100 <sup>2</sup>	25 <sup>2</sup>	25 <sup>2</sup>

## Camas Shoreline Master Program

<b>Abbreviations:</b> X = Prohibited P = Permitted C = Conditional Use	<b>AQ</b>	<b>NT</b>	<b>UC</b>	<b>MI</b>	<b>HI</b>
<b>Shoreline Designation</b>	<b>Aquatic</b>	<b>Natural</b>	<b>Urban Conservancy</b>	<b>Medium Intensity</b>	<b>High Intensity</b>
· <i>Building Height</i>	N/A	N/A	N/A	35'	45'
Non-water-oriented	<b>X</b>	<b>X</b>	<b>X</b>	<b>C</b>	<b>C</b>
· <i>Building Setback</i>	N/A	N/A	N/A	100' <sup>2</sup>	100' <sup>2</sup>
· <i>Building Height</i>	N/A	N/A	N/A	35'	35'
<b>Mining</b>					
Gravel Mining	<b>C</b> <sup>5</sup>	<b>X</b>	<b>X</b>	<b>X</b>	<b>C</b>
· <i>Activity Setback</i>	N/A	N/A	N/A	N/A	200'
Hard Rock Mining	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>
<b>Parking</b>					
Primary Use	<b>X</b>	<b>X</b>	<b>X</b>	<b>X</b>	<b>C</b>
· <i>Setback</i>	N/A	N/A	N/A	N/A	100' <sup>2</sup>
Accessory Use	<b>X</b>	<b>X</b>	<b>C</b>	<b>P</b>	<b>P</b>
· <i>Setback</i>	N/A	N/A	150'	50' <sup>2</sup>	50' <sup>2</sup>
<b>Recreational Uses</b>					
Water-dependent	<b>P</b>	<b>C</b> <sup>4</sup>	<b>P</b>	<b>P</b>	<b>P</b>
· <i>Setback</i>	0'	0' (buildings 100')	0' <sup>1</sup>	0' <sup>1</sup>	0' <sup>1</sup>
· <i>Building Height</i>	15'	15'	15'	35'	45'
Water-related/enjoyment (trails, accessory buildings)	<b>C</b>	<b>P</b> <sup>4</sup>	<b>P</b>	<b>P</b>	<b>P</b>
· <i>Setback</i>	0'	20' (Buildings 100' <sup>2</sup> )	20' (Buildings 100' <sup>2</sup> )	50' <sup>2</sup>	50' <sup>2</sup>
· <i>Building Height</i>	15'	15'	15'	45'	60'
Non-water-oriented (golf courses, sports fields)	<b>X</b>	<b>X</b>	<b>X</b>	<b>C</b>	<b>C</b>
· <i>Setback</i>	N/A	N/A	N/A	100' <sup>2</sup>	100' <sup>2</sup>
· <i>Building Height</i>	N/A	N/A	N/A	45'	60'
<b>Residential Uses</b>					
Primary structure/house	<b>X</b>	<b>X</b>	<b>P</b>	<b>P</b>	<b>C</b>
· <i>Building Setback</i>	N/A	N/A	100' <sup>2</sup>	35' <sup>2</sup>	35' <sup>2</sup>
· <i>Building Height</i>	N/A	N/A	35'	35'	45'
· <i>Density</i>	In accordance with the underlying zoning.				
Accessory Structures	<b>X</b>	<b>N/A</b>	<b>P</b>	<b>P</b>	<b>P</b>
· <i>Building Setback</i>	N/A	N/A	100' <sup>2</sup>	35' <sup>2</sup>	35' <sup>2</sup>
· <i>Building Height</i>	N/A	N/A	15'	25'	25'
· <i>Density</i>	In accordance with the underlying zoning.				
<b>Signs</b>					
Interpretive/Educational or similar	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
Commercial/industrial-related	<b>C</b>	<b>X</b>	<b>X</b>	<b>C</b>	<b>P</b>
<b>Transportation Uses</b>					
Highways, Arterials, Railroads	<b>C</b>	<b>X</b>	<b>C</b>	<b>P</b>	<b>P</b>
· <i>Right-of-Way Setback</i>	0'	N/A	200'	100'	100'
Secondary/Public Access Roads	<b>X</b>	<b>X</b>	<b>C</b>	<b>P</b>	<b>P</b>
· <i>Right-of-Way Setback</i>	NA	N/A	100'	50'	50'
Bridges (perpendicular to shoreline)	<b>C</b>	<b>X</b>	<b>C</b>	<b>P</b>	<b>P</b>
<b>Utility Uses</b>					
Above-ground Utilities (parallel to shoreline)	<b>X</b>	<b>X</b>	<b>C</b>	<b>C</b>	<b>P</b>
· <i>Right-of-Way Setback</i>	N/A	N/A	200'	50'	50'
· <i>Structure Height</i>	N/A	N/A	15'	35'	60'
· <i>Distribution Pole Height</i>	N/A	N/A	45'	45'	45'
Electrical Transmission Lines	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>

## Camas Shoreline Master Program

<b>Abbreviations:</b> X = Prohibited P = Permitted C = Conditional Use	<b>AQ</b>	<b>NT</b>	<b>UC</b>	<b>MI</b>	<b>HI</b>
<b>Shoreline Designation</b>	<b>Aquatic</b>	<b>Natural</b>	<b>Urban Conservancy</b>	<b>Medium Intensity</b>	<b>High Intensity</b>
Underground Utilities (parallel to shoreline)	<b>C</b>	<b>X</b>	<b>C</b>	<b>C</b>	<b>C</b>
· <i>Right-of-Way Setback</i>	0'	N/A	100'	50'	50'
Underground and Above-ground Utilities (perpendicular to shoreline)	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>
· <i>Right-of-Way Setback</i>	0'	0'	0'	0'	0'
<b>Unclassified Uses</b>					
Unclassified Uses	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>	<b>C</b>
· <i>Setback for water-oriented use</i>	0'	150'	75' <sub>2</sub>	50' <sub>2</sub>	50' <sub>2</sub>
· <i>Structure or Activity Setback for non-water-oriented use</i>	0'	150'	100'	100'	100'
· <i>Structure Height</i>	15'	15'	35'	35'	35'
<b>Dredging and Dredge Material Disposal</b>					
Non-maintenance Dredging	<b>C</b>	N/A	N/A	N/A	N/A
Maintenance Dredging	<b>P</b>	N/A	N/A	N/A	N/A
Dredge Material Disposal	<b>C<sup>5</sup></b>	<b>X</b>	<b>X</b>	<b>C<sup>5</sup></b>	<b>C<sup>5</sup></b>
Dredging & Disposal as part of Ecological Restoration/ Enhancement	<b>P</b>	<b>C</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>Flood Control Works and In-stream Structures</b>					
Dams, Dikes, & Levees	<b>C</b>	<b>X</b>	<b>C</b>	<b>C</b>	<b>P</b>
Instream structures	<b>C</b>	N/A	N/A	N/A	N/A
<b>Shoreline Restoration</b>					
Ecological Restoration / Enhancement / Mitigation	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>
<b>Shoreline Stabilization</b>					
Bioengineered/Non-Structural	<b>C</b>	<b>C</b>	<b>C</b>	<b>P</b>	<b>P</b>
Structural	<b>C</b>	<b>X</b>	<b>C</b>	<b>C</b>	<b>C</b>

**Notes for Table:**

- Only water dependent facilities may be located waterward of Critical Area buffers and building setbacks and shall minimize disturbance at the water's edge. All other facilities not requiring a location at the water's edge shall meet buffer and setback requirements.
- Uses may be set back less than the Critical Areas Type S buffer of 150-feet only as provided within Section 5.3 (2) for specific reaches or as provided in Appendix C Section 16.61.040(D)(2) Stream Buffer Area Reduction and Averaging.
- Docks are prohibited on the Washougal River. New docks must be shared/joint-use only on Lacamas Lake.
- Low intensity recreational development or uses only. Appropriately designed trails are allowed when developed consistent with the design and development standards of the *Camas Park, Recreation and Open Space Comprehensive Plan*, which include (among others) that the setback between the OHWM and the use is fully vegetated. For additional design and regulation standards refer to Section 6.3.11 Recreational Development of this Program.
- Permitted outside of channel migration zones.

## 6.3 Use-specific Development Regulations

### 6.3.1 Agriculture

N/A

### 6.3.2 Aquaculture

N/A

### 6.3.3 Boating Uses

N/A

### 6.3.4 Commercial Uses

1. New commercial development that is water-dependent or water-related shall be permitted outright within the shoreline designations of Medium Intensity and High Intensity.
2. New commercial uses and development shall demonstrate that there will not be a net loss of ecological function or have significant adverse impacts to other shoreline resources or another shoreline uses.
3. For mixed use proposals, a nonwater-oriented commercial use may be permitted, if the majority of the use or building is devoted to a water-related or water-enjoyment use. Allowed water-enjoyment commercial uses shall be evaluated in terms of whether the use facilitates a state-wide interest, including ecological restoration and public access and may include specific provisions for restoration and public access.

**THE PROPOSED SITE USE IS A COMMERCIAL BUSINESS IN THE MIXED USE ZONE. THE LACAMAS COUNSELING AND PSYCHIATRY BUSINESS IS A WATER-RELATED AND WATER-ENJOYMENT USE AS DESCRIBED IN THE INTO AND BACKGROUND PORTION OF THIS NARRATIVE.**

4. Non-water-oriented commercial uses are allowed as a conditional use where:
  - a. Located on a site physically separated from the shoreline by another private property in separate ownership or a public right-of-way, or steep slopes such that access for water-oriented use is precluded, provided that such conditions were lawfully established prior to the effective date of this Program.
  - b. Proposed on a site where navigability is severely limited.
  - c. All non-water-oriented commercial uses are prohibited in shoreline jurisdiction on parcels that abut the water's edge unless the use provides significant public benefit with respect to the objectives of the Act by:

- i. Restoration of ecological functions both in aquatic and upland environments that shall provide native vegetation buffers and in accordance with the Restoration Element of this plan.
- ii. The balance of the water frontage not devoted to ecological restoration and associated buffers shall be provided as public access in accordance with Section 5.5.

N/A

5. Loading and service areas shall be screened from view using native plants combined with fencing or masonry walls.

**N/A THERE ARE NO LOADING OR SERVICE AREAS ASSOCIATED WITH THIS PROJECT.**

6. Where water-related and water-enjoyment commercial uses are allowed as a conditional use in the Urban Conservancy shoreline environment, then the use must increase the public use, enjoyment, or access to the shoreline.

**THIS PROJECT WILL INCREASE THE PUBLIC ACCESS TO THE FUTURE CITY TRAIL ALONG THE SHORELINE. FUTURE PUBLIC USE AND ENJOYMENT WILL BE INCREASED WITH THIS PROJECT.**

#### **6.3.5 Forest Practices**

N/A

#### **6.3.6 Industrial Uses**

N/A

#### **6.3.7 Log Storage**

N/A

#### **6.3.8 Institutional Uses**

N/A

#### **6.3.9 Mining**

N/A

#### **6.3.10 Parking**

1. Parking as a primary use is prohibited.
2. Parking as an accessory use may serve uses that are not physically within shoreline jurisdiction but are located on the same parcel.
3. Parking facilities shall be designed and landscaped to minimize adverse environmental and aesthetic impacts. Parking shall be located landward of the use it is serving, only if it is not located along the primary street frontage. The city prefers buildings entrances (not a parking lot) to benefit from the city's extensive sidewalk and trail network.
4. Parking areas shall be landscaped along the perimeter. Landscaping shall consist of native vegetation, which is planted prior to final inspection of project, and will provide effective screening within three years of planting.



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5. Parking facilities shall be designed to prevent surface water runoff from contaminating water bodies. Permit shall include evidence of financial surety for ongoing maintenance program that will assure proper functioning of facilities over time.

**THIS PROJECT MEETS THE PARKING REQUIREMENTS AS A SECONDARY USE FOR THIS PROJECT. THE PARKING LOT HAS PROPOSED LANDSCAPING TO HELP SCREEN IT. THE PARKING LOT IS LANDWARD FROM THE LAKE AND PROPOSED BUILDING. RUNOFF FROM THE PARKING LOT WILL BE COLLECTED AND TREATED USING A BIORETENTION FACILITY LANDSCAPED WITH NATIVE PLANTS. ALL RUNOFF WILL BE INFILTRATED INTO THE GROUND.**

#### **6.3.11 Recreational Development**

N/A

#### **6.3.12 Residential Development**

N/A

#### **6.3.13 Signs**

**NO SIGNS ARE PROPOSED WITHIN THE 200 FOOT SHORELINE MANAGEMENT ZONE.**

#### **6.3.14 Transportation Uses**

N/A

#### **6.3.15 Utilities Uses**

N/A

### **6.4 Shoreline Modification Regulations**

**N/A THERE ARE NO MODIFICATIONS PROPOSED TO THE SHORELINE OF LACAMAS LAKE WITH THIS PROJECT.**

## **CHAPTER 7 DEFINITIONS**

**REMOVED FROM THIS NARRATIVE TO SAVE PAPER. CHAPTER 7 CAN BE SEEN IN THE FULL SMP IF NECESSARY.**

## **Appendix B**

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### **APPENDIX B –ADMINISTRATION AND ENFORCEMENT**

#### **I. Applicability**

- A. All uses and developments within the jurisdiction of the Shoreline Management Act shall be planned and carried out in a manner that is consistent with this Program and the policy of the Act as required by RCW 90.58.140(1), regardless of whether a shoreline permit, statement of exemption, shoreline variance, or shoreline conditional use permit is required. The reviewing official shall assure compliance with the provisions of this

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Program for all permits and approvals processed by the city. All regulations applied within the shoreline shall be liberally construed to give full effect to the objectives and purposes for which they have been enacted.

- B. Exemptions to the requirement for substantial development permits are listed in Chapter 2 of this Program and shall be construed narrowly. Only those developments that meet the precise provisions of the listed exemptions may be granted an exemption from the substantial development permit process. An exemption from the substantial development permit process is not an exemption from compliance with this Program or the Act, or from any other regulatory requirements.
- C. The burden of proving that the proposed development is consistent with these criteria in all cases shall be on the applicant.
- D. The city shall not issue any permit for development within shoreline jurisdiction until approval has been granted pursuant to this Program.
- E. A development or use that does not comply with the bulk, dimensional or performance standards of this Program shall require a shoreline variance even if the development or use does not require a substantial development permit.
- F. A development or use that is listed as a conditional use pursuant to this Program, or is an unlisted use, must obtain a conditional use permit even if the development or use does not require a substantial development permit.

**THIS PROJECT IS REQUIRED A CONDITOINAL USE PERMIT FOR THE COMMERCIAL BUSINESS/BUILDING AND THE ASSOCIATED PARKING LOT.**

## **II. Administrative Authority and Responsibility**

- A. Shoreline Administrator. The community development director is appointed the city's shoreline administrator (herein after shall be called the “Administrator”) of the provisions of this Program and shall have the authority to act upon the following matters:
  - 1. Interpretation, enforcement, and administration of this Program;
  - 2. Issuance of shoreline substantial development permits when not consolidated with conditional use or variance requests;
  - 3. Modifications or revisions to approved shoreline permits as provided in this Program; and
  - 4. Requests for statements of exemption.

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- B. The Administrator shall document all project review actions in shoreline areas in order to periodically evaluate the cumulative effects of authorized development on shoreline conditions per WAC 173-26-191(2)(a)(iii)-Documentation.
  - C. The Administrator shall consult with Ecology to ensure that any formal written interpretations are consistent with the purpose and intent of Chapter 90.58 RCW and the applicable guidelines.

### **III. Review and decision process**

- A. The Administrator, or designee shall consider the governing principles of this Program (SMP Section 1.6), supporting data submitted by the applicant and written public comments submitted in response to the notice. Based upon this and other relevant information, the Administrator shall evaluate the nature and scope of the project in its relationship with the overall public interest, shall determine the significance of the proposed action and bonding requirements for improvements, and take one of the following actions:
  - a. The Administrator may approve or deny issuance of a Shoreline Substantial Development permit.. The final decision is forwarded to Ecology and the Attorney General for filing consistent with the provisions in XI below.
  - b. If the proposal requires approval of a Shoreline Variance or Shoreline Conditional Use permit then it will be subject to a public hearing before the hearings examiner. A decision on the recommendation is then forwarded to Ecology and the Attorney General for final permit approval.

### **IV. Hearings examiner decision process**

- A. Report. The Administrator or designee shall prepare a report on all aspects of the proposed development to include relevant SMP regulations, and what conditions, if any, should be imposed.
- B. Public Hearing. . At the public hearing, the hearings examiner shall receive testimony from staff, from the applicant, and from the public.
- C. Local Decision. The hearings examiner may decide either: (1) to approve the application; (2) to deny the application; or (3) to approve the application only if certain specific conditions are met. For conditional use and variance permits, the hearings examiner decision is the local decision, which is forwarded to Ecology and the Attorney General for a final decision. The hearings examiner issues the final decision of appeals to substantial development permits when issued by the Administrator.

### **V. Conditions imposition**

In granting a permit, the decision maker may attach thereto such conditions regarding the location, character, and other features of the proposed structure or use, or regarding their effect upon the shorelines, as it deems necessary to carry out the spirit and purposes of this Program, and the Act, and to be in the public interest. The decision maker, as a condition to granting any permit, may require that the applicant post with the city, as a prerequisite to permit approval, a bond or other security approved as to form by the Administrator.

### **VI. Application**

- A. Applications for shoreline substantial development permits, conditional use permits or variance permits shall be made to the community development department. The application shall be made by the property owner; lessee, contract purchaser, or other

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person entitled to possession of the property, or by an authorized agent, and shall be accompanied by a filing fee in such amount as may be set from time to time by resolution of the city council.

- B. The following items are required, in quantities specified by the Administrator, for a complete shoreline substantial development, conditional use, or variance permit application. Items may be waived if, in the judgment of the Administrator, they are not applicable to the proposal.
1. Completed general application form with the applicable application fee.
  2. A current (within thirty days prior to application) mailing list and mailing labels of owners of real property within three hundred (300) feet of the subject parcel, certified and created by the Clark County assessor.
  3. A completed copy of the Joint Aquatics Resource Application (JARPA), if other state and federal permits are required.
  4. A completed State Environmental Policy Act (SEPA) checklist.
  5. A complete and detailed narrative that describes the proposed development, existing site conditions, existing buildings, public facilities and services, and other natural features. The narrative shall respond to the applicable Program policies that will be affected by the proposed development or action and how the proposal complies with the regulations of the Program.
  6. Vicinity map showing location of the site and water bodies within 300-feet.
  7. Site and development plans which provide the following information:
    - a. The location of the ordinary high water mark (OHWM);
    - b. The names of owners of adjacent land and the names of any adjacent subdivisions;
    - c. Names, locations, widths and dimensions of existing and proposed public street rights-of-way, public and private access easements, parks and other open spaces, reservations, and utilities;
    - d. Location, footprint and setbacks of all existing structures on the site with a lineal distance from OHWM;
    - e. Location of sidewalks, street lighting, and street trees;
    - f. Location of proposed building envelopes and accessory structures and the lineal distance from OHWM;
    - g. Location, dimensions and purpose of existing and proposed easements. Provide recorded documents that identify the nature and extent of existing easements;
    - h. Location of any proposed dedications;
    - i. Existing and proposed topography at two-foot contour intervals, extending to five feet beyond the project boundaries;
    - j. Location of any critical areas and critical area buffers, to indicate compliance with all applicable provisions of the critical areas legislation, as required SMP Appendix C;
    - k. Preliminary stormwater plan and report;
    - l. Description, location and size of existing and proposed utilities, storm drainage facilities, and roads; and
    - m. A survey of existing significant trees.
    - n. For properties with slopes of ten percent or greater a preliminary grading plan will be required with the development application that shows:
      - i. Two-foot contours;

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- ii. The proposed development and existing topography;
  - iii. The proposed development with proposed topography; and
  - iv. Total quantities of cut and fill.

## **VII. Notice of application**

Generally, within fourteen (14) days of the Administrator finding that the application is complete, the city shall notify the public of the proposal.

- A. Content. Mailed notices and posted signage shall include the following information:
  1. The date of application and the date of completeness.
  2. A description of the proposed project action, a list of project permits included in the application, and, if applicable, a list of any studies requested;
  3. The identification of other permits not included in the application, to the extent known by the city;
  4. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;
  5. A statement of the limits of the public comment period, which shall be thirty (30) days following the date of notice of application, and statements of the right of any person to comment on the application, receive notice of and participate in meetings, request a copy of the decision once made, and any appeal rights;
  6. The date, time, and place of the public meeting, if applicable and known;
  7. Any other information determined appropriate by the city.
- B. Sign. For a technically complete application, the applicant shall install a sign on the subject parcel within view of the public-right-of-way. The content of the sign must match that of the required notices.
  1. The sign must measure four-foot by eight-foot and attached to the ground with a minimum of two four-inch by four-inch posts or better.
  2. The sign shall be installed remain posted and in reasonable condition until expiration of the public comment period.
  3. The applicant shall provide to the city an affidavit of posting on site.
- C. Mailed. The city will mail a notice of application to all owners of record of the subject property, all owners of real property located within three hundred (300) feet of the subject property based on Clark County GIS records, and to all agencies with jurisdiction per RCW 43.21. The city shall affirm by affidavit that the notices were mailed at least thirty days prior to the public hearing (when applicable) or issuance of the decision if no public hearing is required..
- D. Publishing in local paper. If the application requires a public hearing, notice of the hearing will be published in the local newspaper..
- E. Response/Comment/Parties of Interest. All persons who submit their views or notify the Administrator of interest in the project shall be entitled to receive a copy of the action taken upon the application.

## **VIII. Variances**

**NO VARIANCES ARE PROPOSED WITH THIS PROJECT.**

## **IX. 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

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hearings examiner may recommend performance standards to make the use more compatible with other desirable uses within that area. Conditional use approval may be approved only if the applicant can demonstrate all of the following:

1. The proposed use is consistent with the Program, and the policies of the Act (RCW 90.58.020).

**THIS PROJECT IS CONSISTENT WITH THE SMP. THIS NARRATIVE DESCRIBES HOW THE PROJECT PRESERVES THE SHORELINE AND DOES NOT NEGATIVELY IMPACT THE SURROUNDING AREA.**

2. The proposed use will not interfere with normal public use of public shorelines;  
**THIS PROJECT WILL NOT INTERFERE WITH THE NORMAL PUBLIC USE OF THE PUBLIC SHORELINES. THE CITY OWNS THE PROPERTY BETWEEN THIS SITE AND LACAMAS LAKE. A FUTURE PUBLIC TRAIL WILL PROVIDE INCREASED PUBLIC USE OF THE SHORELINES. THIS PROJECT WILL PROVIDE A PUBLIC TRAIL CONNECTION THROUGH THE SITE TO THE FUTURE CITY TRAIL.**

3. The proposed use of the site and the design of the development will be compatible with the surrounding authorized uses, the Program, and the comprehensive plan;  
**THIS PROJECT PROMOTES AND ACHIEVES THE CITY'S GOALS OF THE COMPREHENSIVE PLAN. NEW JOB OPPORTUNITIES WILL BE PROVIDED BY THIS BUSINESS. THESE ARE LIVING WAGE FULL TIME JOBS AND PROVIDE A MUCH NEEDED SERVICE FOR THE RESIDENCE AND FAMILIES OF CAMAS AND THE SURROUNDING AREA. THE OWNERS OF THE BUSINESS ARE LOCAL AND WILL BE GREAT STEWARDS OF THE LAND. BOTH RESPONSIBLE AND SUSTAINABLE DEVELOPMENT OF THE SITE ARE PROPOSED.**

4. The proposed use will cause no significant adverse effects on the shoreline environment or other uses; and  
**THIS PROJECT WILL HAVE ZERO ADVERSE EFFECTS ON THE SHORELINE ENVIRONMENT. THERE IS NO PHYSICAL CONNECTION BETWEEN THIS SITE AND THE OHWM OF LACAMAS LAKE.**

5. That the public interest would suffer no substantial detrimental effect;  
**THE PUBLIC INTEREST OF THE SHORELINE WILL SUFFER NO DETRIMENTAL EFFECT FROM THIS PROJECT. ADDITIONAL ACCESS TO THE SHORELINE AREA AND THE FUTURE CITY TRAIL WILL BE PROVIDED WITH THIS PROJECT. IF THIS SITE WAS TO BE DEVELOPED WITH A SINGLE-FAMILY RESIDENCE THEN ZERO PUBLIC ACCESS OR ENJOYMENT OF THIS SHORELINE AREA WOULD BE PROVIDED. THE PROPOSED COMMERCIAL PROJECT WILL NOT ONLY PRESERVE BUT ENHANCE THE OUTER EDGES OF THE SHORELINE MANAGEMENT ZONE.**

- B. If the proposed use is found to be compatible, then the hearings examiner shall also include findings in regard to the cumulative impact of additional requests for like actions in the vicinity of the proposed use.  
**THERE ARE NO CUMULATIVE IMPACTS OR ADDITIONAL REQUESTS WITH THIS PROJECT.**
  - C. Uses that are specifically prohibited by this Program may not be authorized as a conditional use. However, if other uses which are not classified or set forth in this Program can demonstrate consistency with the requirements of this Program and this section, then they may be ultimately approved by Ecology.  
**THIS SECTION IS NOT APPLICABLE TO THE PROJECT.**
  - D. Final approval of conditional use permits is the authority of Ecology. The city shall send its decision to Ecology pursuant to Appendix B, XI (B and C) of this Program, for Ecology to render Final Approval. **THE APPLICANT UNDERSTANDS THIS.**
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## **X. Exemptions**

An exemption from a substantial development permit is not an exemption from compliance with this Program, nor any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of this Program. The burden of proof that the proposed shoreline development is exempt is on the applicant, owner, or lessee of the subject parcel.

- A. If exempt from a substantial development permit, the Administrator shall issue a letter to this effect only if the project requires state or federal permits, or if proposal requires critical area review and approval. In accordance with WAC173-27-050 the letter of exemption will be addressed to the applicant and to the Department of Ecology (Ecology).
- B. No written statement of exemption is required for emergency development.
- C. For any other project within shoreline jurisdiction that does not require other state or federal permits a letter of exemption from the Administrator will not be issued, however the development will be tracked with all other development activities to allow the Administrator to evaluate the cumulative effects of authorized development (See Section II).

### **NO EXEMPTIONS ARE PROPOSED.**

## **XI. Filing permits with the Department of Ecology**

### **A. Notification of final action.**

After final local action, the Administrator shall notify the applicant and all persons of record. Construction shall not begin and no building permits shall be issued until conclusion of Ecology's review period as provided for in this Program. A local action can be appealed within 14 days (a.k.a. "local appeal period").

### **B. Notification to the Department of Ecology.**

Any action on an application under authority of this Program, whether it is an approval or denial, shall be mailed by the Administrator soon after the conclusion of the local appeal period to Ecology and the attorney general, as required by WAC 173-27-130 and RCW 90.58.140(6). When a Substantial Development Permit and either a Conditional Use or Variance Permit are required for a development, the issuance of the permits shall be made concurrently.

### **C. The Administrator shall send the following by certified US Post with return receipt to Ecology and the Attorney General:**

1. The final decision of the City;
2. The permit data sheet per WAC 173-27-190(Appendix A);
3. A copy of the complete application per WAC 173-27-180;
4. Findings and conclusions as provided in the staff report; and
5. If applicable, the State Environmental Policy Act (SEPA) checklist.

## **XII. Permit validity and expiration**

A. For a substantial development permit, construction permits (e.g.: building, grading, preliminary site work, or other construction permits) may be issued by the city and authorized to begin after twenty-one (21) days from the date the decision was "filed" with Ecology, and after all review proceedings are terminated. "Date of filing" means the date of actual receipt by the Ecology by evidence of the date on the return receipt, pursuant to RCW 90.58.140(6).

B. For a conditional use permit or variance, development may commence 21 days after the ~~date that the decision of Ecology is transmitted to the city or the applicant, pursuant to RCW~~

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90.58.140(6). The timeframe for commencing construction accommodates the appeal period to Ecology's decision.

- C. Construction may be commenced no sooner than thirty (30) days after the date of the appeal of the State Shorelines Hearings Board (SHB).
- D. Expiration.
  1. For approved substantial development permits, construction activities must be commenced, or where no construction activities are involved, the use or activity must be commenced within two years of the effective date of the permit.
  2. Authorization to conduct construction activities shall terminate five years after the effective date of a substantial development permit.
  3. The Administrator may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date. Notice of the proposed extension shall be mailed to Ecology and parties of record.

### **XIII. Permit revision**

- A. Where an applicant seeks to revise a substantial development, conditional use or variance permit previously granted, they shall submit to the Administrator detailed plans and a narrative describing the proposed changes, in accordance with the application procedures of this Program. The Administrator will request comments within twenty-one (21) days of mailing to parties of record of the original permit. Copies of the proposed revisions will also be sent to Ecology, the attorney general, and the latest recorded real property owners within three hundred (300) feet of the boundary of the subject property. Generally, within thirty (30) days after mailing of the application materials, the Administrator shall consider the proposed revisions and written comments and determine if a new substantial development permit, conditional use or variance permit is warranted.
- B. If the Administrator determines that the proposed changes are within the scope and intent of the original permit, then the Administrator may approve the application for a revision. In accordance with WAC173-27-100, the revised substantial development permit is effective immediately upon the issuance of the decision, or if a conditional use permit or variance permit then upon the decision of Ecology.
- C. If the Administrator determines that the proposed changes are not within the scope and intent of the original permit, the Administrator shall deny the revision, and the applicant must apply for a new permit.
- D. "*Within the scope and intent of the original permit*" means all of the following:
  - (1) No additional over-water construction is involved except that pier, dock, or float construction may be increased by five hundred square feet or ten percent from the provisions of the original permit, whichever is less;
  - (2) Ground area coverage and height of each structure may be increased a maximum of ten percent from the provisions of the original permit;
  - (3) The revised permit does not authorize development to exceed height, lot coverage, setback or any other applicable requirements of the Program or CMC except as authorized under a variance granted as the original permit or part thereof;
  - (4) Additional landscaping is consistent with conditions (if any) attached to the original permit and currently adopted Program;
  - (5) The use authorized pursuant to the original permit is not changed; and
  - (6) No adverse environmental impact will be caused by the project revision.
- E. The revised permit shall be issued generally within fourteen (14) days of the date of the decision, and the Administrator shall follow the permit issuance procedures of this Program, which includes notification to Ecology, the attorney general consistent with Appendix B, XI.



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and property owners within three-hundred (300) feet of subject development.

#### **XIV. Permit rescission**

Any substantial development permit may be rescinded by the hearings examiner at a public hearing with adequate notice to the permit holder. The hearings examiner must issue findings, based upon a Staff report that a permittee has not complied with conditions of the permit, and no further development shall be allowed after such rescission, and/or action may be taken against the financial surety if posted as a condition of the permit.

#### **XV. Permit appeal**

- A. Any person aggrieved by a decision of the Administrator may have such decision reviewed by the hearings examiner by filing an appeal within fourteen (14) working days of the date of the decision.
- B. Any person aggrieved by a decision of the hearings examiner under this Program may seek review from the State Shorelines Hearings Board (SHB) by filing a request for the same with Ecology and the attorney general within twenty-one (21) days of the date of filing of the hearings examiner's decision, as provided for in RCW 90.58.180(1). Copies of the appeal shall likewise be filed with the city attorney and with the Administrator.
- C. The burden of proof shall in all cases be upon the person seeking such review.
- D. Form of Appeal. An appeal shall take the form of a written statement of the alleged reason(s) the decision was in error or specifying the grounds for appeal. The failure to set forth specific errors or grounds for appeal shall result in summary dismissal of the appeal. The following information, accompanied by an appeal fee, shall be submitted to the City Clerk's Office:
  1. An indication of facts that establish the appellant's right to appeal.
  2. An identification of explicit exceptions and objections to the decision being appealed, or an identification of specific errors in fact or conclusion.
  3. The requested relief from the decision being appealed.
  4. Any other information reasonably necessary to decide on the appeal.

#### **XVI. Civil enforcement**

- A. Cease and Desist Order. The city shall have the authority to serve upon any person a cease and desist order if an activity is being undertaken on the shorelines of the city in violation of this Program. The cease and desist order shall set forth and contain:
  1. A description of the specific nature, location, extent and time of violation and the damage or potential damage; and
  2. A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty under this section may be issued with the order and same shall specify a date certain or schedule by which payment will be complete.
  3. The cease and desist order issued under this subsection shall become effective immediately upon receipt by the person to whom the order is directed.
  4. Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.

B. Injunctive Relief. The city attorney shall bring such injunctive, declaratory, or other actions as are necessary to ensure that no uses are made of the shorelines of the state in conflict with the provisions of the act and this Program, and to otherwise enforce the provisions of the act and the Program.

C. Civil Penalty.

- ~~1. Violation. Any person who fails to conform to the terms of a permit issued under this~~

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Program, or who undertakes a development or use on the shorelines of the state without first obtaining any permit required under the Program, or who fails to comply with a cease and desist order issued under regulations shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each day of violation shall constitute a separate violation.

2. Aiding and Abetting. Any person who, through an act of commission or omission proceeds, aids, or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.

3. Notice of Penalty. The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested, or by personal service, to the person incurring the same from the city. The notice shall include the content of order specified in subsection A of this section.

4. Remission and Joint Order. Within thirty days after the notice is received, the person incurring the penalty may apply in writing to the city for remission or mitigation of such penalty. Upon receipt of the application, the city may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty. Any penalty imposed pursuant to this section by the city shall be subject to review by the city council. In accordance with RCW 90.58.050 and 90.58.210(4), any penalty jointly imposed by the city and the department of ecology shall be appealed to the shorelines hearings board. When a penalty is imposed jointly by the city and the department of ecology, it may be remitted or mitigated only upon such terms as both the city and the department agrees.

D. Property Lien. Any person who fails to pay the prescribed penalty as authorized in this section shall be subject to a lien upon the affected property until such time as the penalty is paid in full. The city attorney shall file such lien against the affected property in the office of the county auditor. In addition to filing the lien with the auditor of the county, a copy of the lien shall be served upon the person indebted by certified mail, return receipt requested. Any such lien may be foreclosed in the manner provided for the foreclosure of mortgages.

E. Mandatory Civil Penalties. Issuance of civil penalties is mandatory in the following instances:

1. The violator has ignored the issuance of an order or notice of violation;
2. The violation causes or contributes to significant environmental damage to shorelines of the state as determined by the city;
3. A person causes, aids or abets in a violation within two years after issuance of a similar regulatory order, notice of violation, or penalty by the city or the department against such person.

F. Minimum Penalties.

1. Regarding all violations that are mandatory penalties, the minimum penalty is two hundred fifty dollars.
2. For all other penalties, the minimum penalty is one hundred dollars.
3. Permits obtained following, rather than prior to, the establishment of a development or use shall be three (3) times the normal amount. This provision is in addition to the enforcement measures contained in this Program.

## **XVII. General criminal penalty**

In addition to any civil liability, any person found to have willfully engaged in activities on the shorelines of the state in violation of the provisions of the act or the Program shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than one hundred dollars nor more

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than one thousand dollars, or by imprisonment in the county jail for not more than ninety days for each separate offense, or by both such fine and imprisonment; provided, that the fine for each separate offense for the third and all subsequent violations in any five-year period shall be not less than five hundred dollars nor more than ten thousand dollars.

**XVIII. Prohibition on issuance of permits**

No building permit, septic tank permit, or other development permit shall be issued for any parcel of land developed or divided in violation of the Program. All purchasers or transferees of property shall comply with provisions of the act and the Program, and each purchaser or transferee may recover damages from any person, firm, corporation, or agent selling, transferring, or leasing land in violation of the act or the Program, including any amount reasonably spent as a result of inability to obtain any development permit, and spent to conform to the requirements of the act or the Program, as well as cost of investigation, suit, and reasonable attorney's fees occasioned thereby. Such purchaser, transferee, or lessor may, as an alternative to modifying the subject property to these requirements, rescind the sale, transfer, or lease and recover cost of investigation and reasonable attorney's fees occasioned thereby from the violator.

**XIX. Severability**

If any provision of this Program or its application to any person or circumstance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Program.

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# APPENDIX C

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## CAMAS CRITICAL AREA REGULATIONS

### APPENDIX C - CRITICAL AREAS

#### CHAPTER 16.51 - GENERAL PROVISIONS OF CRITICAL AREAS

*All uses and development activities located within shoreline jurisdiction shall be subject to the following critical areas regulations. These are in addition to the applicable regulations in Chapters 5 and 6 of the Camas Shoreline Master Program (hereinafter referred to as the “Program”).*

**THERE ARE NO WETLANDS OR RIPARIAN HABITAT ON THIS PROPERTY. THERE ARE OREGON WHITE OAKS ON THIS SITE AND ADJACENT TO THIS SITE. SHORELINE AND HABITAT BUFFERS EXTEND ONTO THIS PROPERTY FROM LACAMAS LAKE TO THE WEST. THE OHWM OF LACAMAS LAKE IS APPROXIMATELY 130 FEET TO THE WEST OF THE SITE AND PARALLELS THE WESTERN PROPERTY LINE. THE LAKE LEVEL IS APPROXIMATELY 13-20 FEET LOWER THAN THE EXISTING GRADES OF THIS SITE AND SEPARATED FROM THIS SITE BY A 100 FOOT WIDE PARCEL OWNED BY THE CITY OF CAMAS. THE ONLY CRITICAL AREAS REPORT REQUIRED FOR THIS PROJECT, BESIDES THE GEOTECHNICAL REPORT, IS THE ARBORIST TREE SURVEY AND RECOMMENDATIONS REPORT. THIS IS DISCUSSED LATER IN THIS NARRATIVE UNDER SECTION, TREE RETENTION (CMC 18.31.080). A GEOTECHNICAL REPORT WAS COMPLETED BY EARTH ENGINEERING AND IS INCLUDED WITH THIS APPLICATION. THEY REVIEWED THE EXISTING CONDITIONS OF THE SITE AND THE PROPOSED DEVELOPMENT. THEY ANALYZED THE SOILS FOR SUITABILITY WITH THE USE OF PAVERS OR PERVIOUS PAVEMENT AND FOUND IT TO BE FEASIBLE IF THE PROJECT WEN THAT DIRECTION. PERVIOUS PAVEMENTS AND/OR PAVERS ARE NOT PROPOSED AT THIS TIME BUT HAVE BEEN RESERVED AS A BACKUP PLAN IF NECESSARY. A PRELIMINARY GRADING PLAN HAS BEEN PROVIDED WITH THE PRELIMINARY APPLICATION PACKET. THERE ARE NO GEOHAZARD AREAS ON THIS PROJECT SITE.**

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**CHAPTER 16.53 - WETLANDS**  
**N/A THERE ARE NO WETLANDS ON THIS SITE.**

**CHAPTER 16.55 - CRITICAL AQUIFER RECHARGE AREAS**  
**N/A THERE ARE NO CRITICAL AQUIFER RECHARGE AREAS LOCATED ON-SITE.**

**CHAPTER 16.59 - GEOLOGICALLY HAZARDOUS AREAS**  
**N/A THERE ARE NO GEOLOGICALLY HAZARDOUS AREAS ON-SITE.**

**CHAPTER 16.61 - FISH AND WILDLIFE HABITAT CONSERVATION AREAS**

**16.61.010 - DESIGNATION OF FISH AND WILDLIFE HABITAT CONSERVATION AREAS**

- A. Fish and wildlife habitat conservation areas include:
1. Areas with Which State or Federally Designated Endangered, Threatened, and Sensitive Species Have a Primary Association. The presence or absence of such species shall be determined by the field studies required by this section. Lists, categories and definitions of species promulgated by National Marine Fisheries Service (NMFS) and Washington Department of Fish and Wildlife (WDFW) are provided to the City to be used for guidance only.
  2. State Priority Habitats and Areas Associated with State Priority Species. Priority habitats and species are considered to be priorities for conservation and management. Priority species require protective measures for their perpetuation due to their population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance. Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. Priority habitats and species are identified by the state Department of Fish and Wildlife.
  3. Habitats of local importance as identified by the City's Park, Recreation and Open Space Comprehensive Plan as natural open space, or as listed below:
    - a. Oregon White Oaks.
      - i. Individual Oregon White Oak trees with a twenty-inch diameter at breast height (twenty inches dbh).
      - ii. Stands of Oregon White Oak trees greater than one acre, when they are found to be valuable to fish and wildlife (i.e., may include trees with cavities, large diameter breast height (twelve inches dbh), are used by priority species, or have a large canopy).
      - iii. All Oregon White Oak snags unless determined by an arborist

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to be a hazard.

**AN ARBORIST REPORT WITH RECOMMENDATIONS HAS BEEN PREPARED FOR THE PROJECT.**

b. Camas Lily. To the extent practicable, Camas lily fields of a significant concentration (one-fourth acre) shall be preserved. If impacts or removal of significant concentrations of Camas lily are proposed, the proposal must include an evidence that the exploration of development options has included:

i. Maintaining Camas lily concentrations as they currently exist on site; and

ii. The option of transplanting Camas lily concentrations to other portions of the property. The proposal may be approved as proposed provided a finding is made based upon evidence that subsection (A)(3)(b)(i) and this subsection have been explored, that it is not possible to maintain significant concentrations of Camas lily on-site.

**THERE ARE NO CAMAS LILY'S ON THE SITE.**

4. Naturally Occurring Ponds Under Twenty Acres. Naturally occurring ponds are those ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds. Naturally occurring ponds do not include ponds deliberately designed and created from dry sites, such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds, and landscape amenities, unless such artificial ponds were intentionally created for mitigation.

5. Waters of the State. Waters of the state includes lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington, as classified in WAC 222-16-031, or its successor. This does not include man-made ditches or bio-swales that have been created from areas not meeting the definition of waters of the state. Furthermore, wetlands designation and protection are regulated under Appendix C - Chapter 16.53

6. Bodies of water planted with game fish by a governmental or tribal entity.

7. State Natural Area Preserves and Natural Resource Conservation Areas.

Natural area preserves and natural resource conservation areas are defined, established, and managed by the State Department of Natural Resources.

All areas within the City of Camas meeting one or more of these criteria, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this title.

B. Mapping. The approximate location and extent of habitat conservation areas are shown on the critical area maps adopted by the City of Camas, as most recently updated. Existing and updated Washington Department of Fish and Wildlife (WDFW) and Department of Natural Resources (DNR) mapping of priority habitat, water types, shore ~~zones, salmonoid distribution, and State Natural Resources Preserves is hereby adopted~~

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by reference. WDFW and DNR mapping is to be used for guidance purposes only. In addition, the mapping included within the Camas parks and open space plan identifies areas of potential natural open spaces.

These maps are to be used as a guide for the City of Camas, project applicants, and/or property owners, and should be continuously updated as new critical areas are identified. They are a reference and do not provide a final critical area designation.

**16.61.020 - CRITICAL AREA REPORT—REQUIREMENTS FOR HABITAT  
CONSERVATION AREAS**

**A REPORT HAS BEEN PREPARED BY A LICENSED ARBORIST FOR THE OREGON WHITE OAK  
TREES LOCATED ON-SITE AND THOSE WHICH HANG OVER THE SITE.**