

**BEFORE THE LAND USE HEARINGS EXAMINER
FOR THE CITY OF CAMAS, WASHINGTON**

Regarding an application by McKay Sposito for Conditional Use,) **FINAL ORDER**
Shoreline Conditional Use, Minor Design Review, Critical Area,)
and other approvals for updates to the existing Well 13 facility) **CUP25-1002**
located at 1250 E. 1st Avenue, in the City of Camas, Washington) **(Well 13 Facility)**

A. SUMMARY

1. The applicant, McKay Sposito on behalf of City of Camas Public Works, requests conditional use, shoreline conditional use, minor design review, critical area, archeological, and SEPA review approvals for proposed updates to the existing Well 13 facility located on a 0.56 acre parcel at 1250 E. 1st Avenue; also known as Parcel Numbers 90928000, 91031000, and 91034000 (the “site”). The site and abutting properties to the east, west, and south are zoned MF-18 (Mult-family residential, 18 units per acre). Properties to the north are zoned CC (Community Commercial). The site is also within the shoreline buffer for Lacamas Creek, a Type S stream that runs along the southern boundary of the site. The shoreline buffer extends 200-feet landward from the ordinary high-water mark of the creek. Clark County GIS shows that parcels 91031000 and 91034000 are part of the Washougal River Greenway. However, the entire site has been historically used as a municipal well site.

2. The City approved a Conditional Use Permit for construction of the existing single-story building for the existing well and treatment equipment on the site in July 2007 (CUP07-03). Development proposed with this application includes, but is not limited to: installing per- and polyfluoralkyl substances (PFAS) treatment equipment, a new generator, a building addition for a new electrical room, a chemical/well room for a proposed new well, and construction of a driveway off of E. 1st Avenue to accommodate a well pump crane. The applicant proposed to implement the upgrades in two stages.

a. Stage One will include:

- Construction of new electrical room
- Construction of new generator pad
- Construction of new transformer pad and gravel access
- Installation of two ion exchange tanks on concrete pad
- Installation of covered bag filter pad and associated bag filters
- Installation of new driveway for crane truck
- Removal of Well 4 building.

b. Stage two will include:

- Installation of new well
- Construction of new chemical/well building
- Installation of four ion exchange tanks on two concrete pads

Construction hours and activities are proposed to take place between 7:00 am-7:00 pm, Monday through Friday.

3. City of Camas Hearing Examiner Joe Turner (the "examiner") conducted a public hearing to receive testimony and evidence about the application. City staff recommended the examiner approve the application subject to findings and conditions set out in the Staff Report, as amended at the hearing. The applicant accepted those findings and conditions, as amended, without exceptions. Two other persons testified with questions and concerns about the application. Contested issues in the case include the following:

a. Whether the applicant can be required to provide additional screening of the proposed facility;

b. Whether alleged impacts to the value of adjacent properties is relevant to the applicable approval criteria;

c. Whether noise from the proposed replacement generator, will have a significant adverse impact on surrounding residents;

d. Whether the applicant can be required to pave the east side of SE Cramer Lane; and

e. Whether the examiner can address the applicant's plan to remove or relocate the existing fence on the west boundary of the site.

4. Based on the findings provided or incorporated herein, the examiner approves the conditional use, minor design review, critical area, archeological, and SEPA applications and recommends the Department of Ecology approve the shoreline conditional use permit), subject to the conditions at the end of this final order.

B. HEARING AND RECORD HIGHLIGHTS

1. The examiner received testimony at a public hearing about this application on May 29, 2025. All exhibits and records of testimony are filed at the City of Camas. At the beginning of the hearing, the examiner described how the hearing would be conducted and how interested persons could participate. The examiner disclaimed any *ex parte* contacts, bias, or conflicts of interest. The following is a summary by the examiner of selected testimony and evidence offered at the public hearing.

2. City planner Yvette Sennewald summarized the Staff Report.

a. She noted that the existing Well 13 facility consists of two buildings, existing Well 13, and discontinued Well 4, all of which are located on a 0.56-acre parcel in the MR-18 zone. The applicant proposed to upgrade the existing facility in two stages as described in the application and the Staff Report.

b. She noted the following corrections to the Staff Report:

i. Finding F on page 9 should note that the Code does not include any special conditions or criteria for this use.

ii. Public Access finding 2 on page 16 should be revised to state “Not applicable ~~applicant~~ for this project.

iii. Specific Shoreline Regulations finding 1 on page 19 should state that it is not feasible to locate the facility outside of the shoreline jurisdiction because the improvements proposed with this application are intended to serve the existing Well 13 which is located in the shoreline.

3. City engineering project manager Anita Ashton noted that the reference to minimum ten-inch stormwater “mains” on page 9 of the Staff Report should refer to stormwater “laterals.”

4. City interim public works director Rob Charles, planner Mike Odren, and environmental biologist Kristen Currens appeared on behalf of the applicant.

a. Mr. Charles noted that the project is a “utility production facility.” The applicant will run the generator once a week for about 15 minutes as a test, as it currently does with the existing generator. The applicant’s consultant will consider alternative colors that may reduce the visual impact of the facility. The applicant is planning to change the current lighting on the site and will aim the lights downward. The applicant may remove the light on SE Cramer Lane. He agreed to pave the east side of SE Cramer Lane to eliminate the weed issues noted by Ms. Cola, provided it does not trigger any impervious area thresholds.

b. Mr. Odren accepted the findings and conditions in the Staff Report, as amended at the hearing, without objections and responded to neighbors’ questions.

i. The applicant will install landscaping on the west boundary of the site, between the north boundary and the large walnut tree near the south boundary as shown in the applicant’s landscape plan, Exhibit 7.

ii. The applicant will locate six tanks on the site. The tanks will be placed in two lines, so only two tanks will be visible when viewed straight on from the east or west, as shown in the elevation views; the remaining tanks will be screened from view by the first tank.

iii. The applicant considered installing landscaping on the east side of the site. However, the applicant shifted the project to the east portion of the site in order to avoid impacting the 18-inch diameter walnut tree on the west boundary of the site, which left no room for landscaping between the fence and the street. The proposed fence will only block 25% to 35% of the view into the site in order to maintain visual security within the site.

iv. The applicant is required to construct a five-foot sidewalk on the west side of SE Cramer Lane in order to provide ADA access to the shoreline.

v. The generator proposed with this application will replace the existing generator on the site.

vi. The applicant will paint the tanks and other outdoor equipment a muted green color, similar to that used on electrical transformers. The color is intended to reduce the visual impact of the facility by blending in with background vegetation.

c. Ms. Currens noted that the site currently contains .06-acres of impervious surface area. This project will add an additional 0.03-acres, bringing the total impervious surface area of the site to 0.09-acres. Site Planning and Development finding 2 on page 18 of the Staff Report should be modified to that effect.

5. Dr. Kaoani Cox noted that the City plans to relocate the existing fence between her property and the site one to three feet to the west and questioned whether the fence can be retained in its existing location. She questioned whether the applicant will install landscaping on the west boundary of the site.

6. Lauren Colas, president the Three Rivers Homeowners Association (the HOA), the townhome development east of the site and asked the following questions and offered the following testimony:

a. Where is the archaeological noted in the record and does it extend onto the site of the Three Rivers development;

b. Where the applicant will construct the proposed five-foot sidewalk.

c. She argued that there are discrepancies in the applicant's plans. The Stage 2 "top down aerial" view (p. 5 of Exhibit 17) shows six tanks but the east and west elevation views (p. 4 of Exhibit 17) only show two tanks;

d. Will the applicant install landscaping in addition to the proposed fence to screen views of the tanks;

e. Can the facility be painted the same color as the fence in order to reduce its visual impact. Views of the facility will impact the value of homes in the Three Rivers development;

f. She questioned the noise impact of the proposed generator;

g. The existing lights on the site shine into homes in the Three Rivers development. Any new lights should be aimed downwards and shielded to prevent offsite glare;

h. Will the City or the applicant notify adjacent residents in advance of any planned road closures, as the HOA plans to replace its existing fence on the east side of SE Cramer Lane and wants to ensure construction on the site does not interfere with that project; and

i. She requested the applicant pave SE Cramer Lane up to the edge of the retaining wall on the east side of the road. The existing two-foot wide strip between the street and the wall is just a patch of weeds.

7. The examiner closed the record at the conclusion of the hearing the examiner and announced his intention to approve the application subject to the findings and conclusions in the Staff Report.

C. DISCUSSION

1. City staff recommended approval of the application, based on the affirmative findings in the Staff Report, as amended at the hearing. The applicant accepted those findings, as amended, without exceptions.

2. The examiner concludes that the affirmative findings in the Staff Report, as amended, show that the proposed use does or can comply with the applicable standards for approval of a conditional use permit. The examiner adopts the affirmative findings in the Staff Report as his own, except to the extent they are inconsistent with the following findings.

3. The applicant is required to design, shield, and operate all exterior lighting on the site 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. (Section 5.7.1(9) of the Shoreline Master Program).

4. As discussed at the hearing, state law prohibits the City from disclosing the location of archaeological sites.

5. As Mr. Odren testified at the hearing, it is not feasible to provide additional landscaping to screen views of the facility. There is no evidence to the contrary.

6. Even if the proposed development will have an adverse impact on property values --- and there is no substantial evidence to that effect in the record --- protection of property values is not relevant to the applicable State or City standards. The examiner must base the decision on the laws of the City of Camas and Washington State. If adjacent property owners believe that the value of their property has been reduced, they may request that the county assessor modify the assessed value of their property.

7. The proposed generator is subject to the City's noise standards, Section 9.32.050 of the Camas Municipal Code ("CMC"). The proposed generator will replace an existing generator on the site and is unlikely to increase the amount of noise generated on the site.

8. The examiner encourages the applicant to inform adjacent property owners about its construction schedule in order to avoid conflicts with the HOA's planned fence replacement or other projects on adjacent properties.

9. The examiner has no authority to require the applicant to pave the east side of SE Cramer Lane.

10. The examiner has no authority to review the removal or relocation of the existing fence on the west boundary of the site.

D. CONCLUSION

Based on the above findings and discussion provided or incorporated herein, the examiner concludes that CUP25-1002 (Well 13 Facility) should be approved, because it does or can comply with the applicable standards of the Camas Municipal Code and the Revised Code of the State of Washington.

E. DECISION

Based on the findings provided or incorporated herein, the examiner approves the conditional use, minor design review, critical area, archeological, and SEPA applications and recommends the Department of Ecology approve the shoreline conditional use permit), subject to the following conditions of approval:

STANDARD CONDITIONS OF APPROVAL:

1. The applicant is to review the “Dangerous Waste Rules for Demolition, Construction, and Renovation Wastes”, posted at Ecology’s website.
2. If potential artifacts are discovered during construction, work must immediately cease, and both the State Department of Archaeological and Historic Preservation and the City shall be notified.
3. Engineering site improvement plans shall be prepared in accordance with the City of Camas Design Standards Manual (CDSM) and CMC 17.19.040.
4. The engineering site improvement plans shall be prepared by a licensed civil engineer in Washington State and submitted to the City’s Community Development Engineering Department for review and approval.
5. Per CMC 17.19.040.C.1 and 1.a: All utilities designed to serve the development shall be placed underground. Those utilities to be located beneath paved surfaces, including all service connections, shall be installed prior to application of any surface materials.
6. The installation of public improvements shall be in accordance with CMC 17.21 Procedures for Public Improvements.
7. A building permit shall be required prior to commencement of construction of a building structure.
8. Prior to final acceptance, the applicant shall remove all temporary erosion prevention and sediment control measures from the site at completion of all site improvements, which includes stabilization of all disturbed soil.
9. As a component for final acceptance, final as-built construction drawing submittals shall meet the requirements of the Camas Design Standards Manual (CDSM).
 - a. The as-built cover sheet is to be the originally approved cover sheet

- signed by the City Engineer.
 - b. As-builts are to be submitted as PDFs.
 - c. As-builts are to be submitted in either AutoCad or Carlson formats.
10. Per CMC 18.18.070.B, prior to the issuance of final occupancy permits, all public and private improvements shall be completed in accordance with CMC 17.21.070 Final Acceptance.

SPECIAL CONDITIONS OF APPROVAL:

Prior to Engineering Plan Approval: Engineering:

[Roads]

- 11. Prior to engineering plan approval, the applicant shall be required to submit final site plans that include the removal and replacement of all portions of the existing sidewalk that are worn or cracked.
- 12. Prior to engineering plan approval, the applicant shall be required to submit final site plans that include a commercial driveway approach.

SE Cramer Lane

- 13. Prior to engineering plan approval, the applicant shall revise the gravel access to the transformer pad to be either asphalt or concrete in lieu of gravel.
- 14. Prior to engineering plan approval, all the new sidewalks shall be designed to meet the requirements for ADA accessibility per the PROWAG and ADAAG.

[Sanitary Sewer]

- 15. Prior to engineering plan approval, the applicant shall be required to submit final sanitary sewer utility plans for review and approval.

[Storm Sewer]

- 16. Prior to engineering plan approval, the applicant shall be required to submit the Final Stormwater Technical Information Report stamped, and signed stating that the report was prepared in accordance with Ecology's *2024 Stormwater Management Manual for Western Washington (SWMMWW)*, including evaluating Minimum Requirements (MRs) 1-9 per the *SWMMWW*.
- 17. Prior to engineering plan approval, the applicant shall submit final stormwater plans with the new stormwater mains upsized to a minimum 10-inch diameter conveyance piping between area drains for ease of maintenance.

[Water]

- 18. Prior to engineering plan approval, the applicant shall submit final water utility plans, which are to include a hydrant pad per Water Detail W11, for review and approval.

[Erosion Control]

19. Prior to engineering plan approval, the applicant shall be required to submit final grading and erosion control plans per the Camas Design Standards Manual (CDSM).

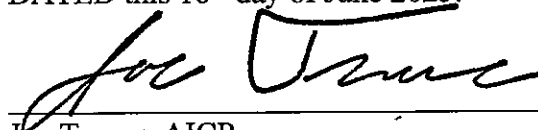
Prior to Land-disturbing Activities:

20. Prior to any land-disturbing activities an approved set of engineering plans is required.
21. As per comments received by DAHP during the SEPA comment period, the applicant is to obtain a DAHP permit prior to any ground disturbance.
22. As per Department of Ecology, the applicant shall review the "Dangerous Waste Rules for Demolition, Construction, and Renovation Wastes", posted at Ecology's website.

Prior to Final Occupancy: Planning:

23. This Conditional Use Permit will expire within two (2) years of issuance of the Hearing Examiner's final orders if construction of the site improvements have not commenced.

DATED this 16th day of June 2025.

A handwritten signature in black ink, appearing to read "Joe Turner", is written over a horizontal line.

Joe Turner, AICP
City of Camas Land Use Hearings Examiner