



# STAFF REPORT

## HALEY SHORT PLAT (SHOR19-02)

### SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT, SHORT PLAT, CRITICAL AREAS REVIEW, SEPA, ARCHAEOLOGICAL REVIEW

Consolidated File Nos. SP19-01, CA19-01, ARCH19-03

Related File no. SEPA 19-12

PUBLIC MEETING DATE: MARCH 2, 2021

<b>To:</b>	Shoreline Management Review Committee	<b>Applicant:</b> Planning Solutions Chris Baumann PO Box 61406 Vancouver, WA 98666
<b>Proposal:</b>	To subdivide 1.46-acres into 2 lots for single-family residences	
<b>Location:</b>	The project site is located at 4550 SW 5 <sup>th</sup> Avenue in Camas, Washington. Parcel # 127155-000 within the SE ¼ of Section 8, Township 1 North, Range 3 East of the Willamette Meridian.	
<b>Public Notices:</b>	The city mailed notices of application to neighboring properties within 300-feet of the subject site on July 4, 2019. The city issued a SEPA Determination of Non-significance (file# SEPA 19-12) on June 26, 2019, and the comment period ended on July 11, 2019. No SEPA appeals were submitted.	

## TABLE OF CONTENTS

Applicable Law .....	2
History .....	2
Proposal summary .....	2
SMP Standards for Evaluation .....	3
Master Program Goals and Policies (Chapter 3) .....	3
Medium Intensity Shoreline Designation (Chapter 4) .....	3
General Shoreline Use and Development Regulations (Chapter 5) .....	4
Archaeological, Cultural and Historic Resources (Section 5.2) .....	6
Critical Areas Protection (Section 5.3) .....	6
Specific Shoreline Use Regulations (Chapter 6) .....	7
Short Plat Review (CMC 17.09).....	9
SEPA Comments .....	13

<b>Public Comments</b> .....	14
<b>Conclusions</b> .....	14
<b>Recommendation</b> .....	15
<b>Appeal</b> .....	17

## Applicable Law

---

The application was deemed complete on June 3, 2019, and the applicable codes are those codes that were in effect on the date of the application, to include Camas Municipal Code (CMC) Titles 16, 17 and 18; the Camas Shoreline Master Program (Ord. 15-007) consolidated with Critical Area Review within Appendix C (SMP); and the Shoreline Management Act (RCW 90-58) (WAC 173-27). Note: Camas Shoreline Master Program (SMP) and the Camas Municipal Code (CMC) citations are in italics throughout this report.

## History

---

The subject property was short platted in 1998 when the property was located in Clark County jurisdiction. Prior to the 1998 short plat, a Concomitant Rezone Agreement and Covenant Running with the Land was recorded in 1993 with a required condition that a note is placed on the final plat that “no further divisions of these lots shall be proposed” (See Exhibit 24). Following the 1998 short plat, land covenants were recorded on the property including 1) an Agreement and Covenant Running With The Land, recorded in 2009 (See Exhibit 23), concerning the uses in the existing residence at 4420 SW 5<sup>th</sup> Avenue and 2) a Conservation Covenant, recorded in 2010 (See Exhibit 22), for the required habitat mitigation associated with the 1998 short plat. Subsequently, the property was annexed into the City of Camas jurisdiction in 2016 and the property boundary lines between 4550 & 4420 SW 5<sup>th</sup> Avenue were adjusted and recorded in 2019 (See Exhibit 15).

## Proposal summary

---

Application has been made to the City of Camas for preliminary plat approval for a 2-lot short plat located off of SW 5<sup>th</sup> Avenue in the R-15 single-family residential zone. The preliminary short plat approval would create one new lot that will be short platted from the existing 1.46-acre parcel located off of SW 5<sup>th</sup> Avenue in the R-15 single-family residential zone. The existing property contains a single-family residence that is proposed to remain on one lot (proposed Lot 2) and the vacant lot is planned for a single-family residential structure (proposed Lot 1). The future home will be accessed off of SW 5<sup>th</sup> Avenue, a private road, to the north.

Single-family residential homes also zoned R-15 are located east and west of the site. SW 5<sup>th</sup> Avenue abuts the site to the north while the Columbia River abuts the site to the south. The site’s topography generally slopes from the north to the south, while the middle portion of the site is a relatively flat bench. Vegetation on site includes mostly grass with some trees close to the river.

The project site also lies within the regulated shoreline of the Columbia River. The Camas Shoreline Master Program (SMP) classifies the shorelines of the property as “Aquatic” and “Medium Intensity”. The subdivision of land requires a Shoreline Substantial Development permit as the total cost of the development exceeds \$6,416.00 or as adjusted by the State Office of Financial Management per SMP section 2.3.2.1. Residential uses are permitted within the “Medium Intensity” shoreline environment and require a 35-foot setback from the OHWM. The proposed residence is located outside of this

required setback approximately 75-feet from the OHWM of the Columbia River. The accessory utilities that will serve the proposed residence are considered part of the primary use. No work is proposed within the “Aquatic” shoreline environment designation.

The development is subject to review and approval of the following permits: Shoreline Substantial Development Permit, Critical Area permits, SEPA review, Archaeological review and Preliminary Short Plat review. The staff report includes the criteria for review for all of these permit types.

## SMP Standards for Evaluation

---

**Shoreline Substantial Development Permits** must be consistent with the approved Shoreline Master Program (SMP) element goals, objectives, and general policies of the designated environment; policy statements for shoreline use activities; and with use activity regulations.

## Master Program Goals and Policies (Chapter 3)

---

At page 3-1 of the SMP, the general goals of the program are to use the full potential of the shorelines in accordance with the surrounding areas, the natural resource values, and the unique aesthetic qualities; and develop an ordered and diversified physical environment that integrates water and shoreline uses while achieving a net gain of ecological function. Primarily, the short plat supports the following shoreline goals:

SMP, Section 3.10 Shoreline Use and Development *“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 in 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.”*

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

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

## Medium Intensity Shoreline Designation (Chapter 4)

---

The management policies of the Medium Intensity Shoreline Designation at SMP Section 4.3.4.4 are as follows:

- 1) *The scale and intensity of new uses and development should be compatible with sustaining shoreline ecological functions and processes, and the existing residential character of the area.*

**FINDING: The short plat is consistent with the density and dimensional standards for subdividing land in the R-15 single-family residential zone. The construction of a new residential structure is compatible with the existing residential character of the area and the vegetation enhancement areas will improve ecological functions and processes of the shoreline.**

- 2) *Public access and joint use (rather than individual) of recreational facilities should be promoted.*

**FINDING: Recreational facilities are not proposed within this shoreline designation and therefore this criterion is not applicable.**

- 3) *Access, utilities, and public services to serve the proposed development within shoreline should be constructed outside shorelines to the extent feasible, and the minimum necessary to adequately serve existing needs and planned future development.*

**FINDING: The entire subject property is located within shoreline jurisdiction and therefore any development is the minimum necessary to adequately serve the needs of the residential structure.**

- 4) *Public or private outdoor recreation facilities should be provided with proposals for subdivision development and encouraged with all shoreline development if compatible with the character of the area. Priority should be given first to water-dependent and then to water-enjoyment recreation facilities.*

**FINDING: Public and private recreational facilities are not proposed with this short plat and therefore this criterion is not applicable.**

- 5) *Commercial development should be limited to water-oriented uses. Non-water-oriented commercial uses should only be allowed as part of mixed-use developments where the primary use is residential and where there is a substantial public benefit with respect to the goals and policies of the Program such as providing public access or restoring degraded shorelines.*

**FINDING: Commercial development is not proposed within this shoreline designation and therefore this criterion is not applicable.**

## **General Shoreline Use and Development Regulations (Chapter 5)**

---

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

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

**FINDING: The development is not water-dependent and is located approximately 75-feet from the Columbia River, which will not interfere with other water-dependent uses.**

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

**FINDING: The proposed development will not affect shoreline functions on other properties or require remedial action as Best Management Practices (i.e. erosion control, etc.) will be implemented throughout project construction.**

3. *Shoreline uses and developments shall be located and designed in a manner such that shoreline stabilization is not necessary at the time of development and will not be necessary in the future for the subject property or other nearby shoreline properties unless it can be demonstrated that stabilization is the only alternative to protecting public safety and existing primary structures.*

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

4. *Land shall not be cleared, graded, filled, excavated or otherwise altered prior to issuance of the necessary permits and approvals for a proposed shoreline use or development to determine if environmental impacts have been avoided, minimized and mitigated to result in no net loss of ecological functions.*

**FINDING: The applicant has applied for proper permits, and has not requested to begin work prior to receiving approvals.**

5. *Single family residential development shall be allowed on all shorelines except the Aquatic and Natural shoreline designation, and shall be located, designed and used in accordance with applicable policies and regulations of this Program.*

**FINDING: The proposed single-family residential structure is to be located within the Medium Intensity shoreline designation and approximately 75-feet from the OHWM.**

6. *Unless otherwise stated, no development shall be constructed, located, extended, modified, converted, or altered or land divided without full compliance with CMC Title 17 Land Development and CMC Title 18 Zoning.*

**FINDING: The proposed development requires compliance with the applicable regulations from CMC Title 17 Land Development and CMC Title 18 Zoning.**

7. *On navigable waters or their beds, all uses and developments should be located and designed to: (a) minimize interference with surface navigation; (b) consider impacts to public views; and (c) allow for the safe, unobstructed passage of fish and wildlife, particularly species dependent on migration.*

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

8. *Hazardous materials shall be disposed of and other steps be taken to protect the ecological integrity of the shoreline area in accordance with the other policies and regulations of this Program as amended and all other applicable federal, state, and local statutes, codes, and ordinances.*

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

9. *In-water work shall be scheduled to protect biological productivity (including but not limited to fish runs, spawning, and benthic productivity). In-water work shall not occur in areas used for commercial fishing during a fishing season unless specifically addressed and mitigated for in the permit.*

**FINDING: This criterion is not applicable as in-water work is not proposed.**

10. *The applicant shall demonstrate all reasonable efforts have been taken to avoid, and where unavoidable, minimize and mitigate impacts such that no net loss of critical area and shoreline function is achieved. Applicants must comply with the provisions of Appendix C with a particular focus on mitigation sequencing per Appendix C, Section 16.51.160 Mitigation Sequencing. Mitigation Plans must comply with the requirements of Appendix C, Section 16.51.170 Mitigation Plan Requirements, to achieve no net loss of ecological functions.*

**FINDING: The application includes critical area reports for fish and wildlife habitat conservation areas and geologically hazardous areas with discussions of avoidance and minimization efforts. The applicant's narrative includes a discussion of frequently flooded areas. Further discussion is provided in Section 5.3 below.**

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

**FINDING: This criterion is not applicable as no in-stream work is proposed.**

12. *Within urban growth areas, Ecology may grant relief from use and development regulations in accordance with RCW 90.58.580, and requested with a shoreline permit application.*

**FINDING: The activity is in city limits and therefore this criterion is not applicable.**

## Archaeological, Cultural and Historic Resources (Section 5.2)

---

The application included an archaeological predetermination survey report that was sent to the Department of Archaeology and Historic Preservation and Tribal Representatives for review and comment. The report concluded that no further archaeological work is necessary.

**FINDING: If an item of possible archaeological interest is discovered on site, work will immediately cease and notification of the findings will be sent to the appropriate parties.**

## Critical Areas Protection (Section 5.3)

---

The subject parcel includes the following critical areas as regulated by the SMP: Frequently Flooded Areas; Geologically Hazardous Areas; and Fish and Wildlife Habitat Conservation Areas.

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

The subject property is currently located within Frequently Flooded Areas per FEMA mapping. The short plat includes the creation of one new additional lot to be located outside of the flood hazard area consistent with SMP Appendix C Section 16.57.020.D that requires no additional lots to be created in frequently flooded areas. Building envelopes will be required to be located outside of the frequently flooded areas and conditioned as such.

### Geologically Hazardous Areas- SMP Appendix C, Chapter 16.59

Clark County GIS mapping identified steep slopes at the northern and southern portions of the property and landslide hazard areas. As such, the applicant submitted a Geotechnical Report dated July 24, 2019 prepared by Earth Engineering, Inc. The proposed location of the new residential structure is at the middle of the site, which is mostly flat. The geotechnical report did not identify any signs of erosion or unstable slopes and concluded the building site would not likely be impacted by hazards associated with landslides. The geotechnical report did recommend the proposed residential structure be setback a minimum of 20-feet from the bottom of the slope at the north side of the site (See Exhibit 8). A supplemental memo submitted by Earth Engineering, Inc. dated January 8, 2020 clearly identified the location of the slope setback line (See Exhibit 9). The preliminary grading and erosion plan shows the proposed building foundation approximately 30-feet from the slope setback line. Staff recommends a conditions of approval that the building foundation is setback 20-feet from the bottom of the slope consistent with the geotechnical report recommendation.

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

Clark County GIS mapping identifies the Columbia River along the southern boundary of the project site. As such, the applicant submitted a Fish & Wildlife Habitat Conservation Areas Critical Areas Report dated October 24, 2019 prepared by Olson Environmental, LLC (See Exhibit 10). According to the report, the Columbia River is a Type S stream and therefore is subject to a 150-foot stream buffer setback per SMP Appendix C Section 16.61.040.D. Further, stream buffers may be reduced up to 25% pursuant to SMP Appendix C Section 16.61.040.D.2.b. The proposed residential structure is located approximately 75-feet north of the Columbia River OHWM and thereby encroaches into the required 150-foot stream buffer more than 25%.

At page 3 of the applicant's Critical Areas Report, the applicant is proposing to reduce the buffer as allowed under SMP Appendix C 16.61.040.D.4 Alternative Mitigation for Stream Buffers which states, *"The requirements set forth in this section may be modified at the City of Camas' discretion if the applicant demonstrates greater habitat functions of a per function basis, can be obtained in the affected drainage basin as a result of alternative mitigation measures."* The applicant's Critical Areas Report indicates that limited habitat function is present in the buffer reduction area due to the presence of impervious surfaces and lack of vegetation, which will be compensated with a habitat buffer

enhancement area to include native tree and shrub plantings and a monitoring, maintenance and adaptive management plan, as described in the applicant's Critical Areas Report.

The City requested WSP, a third party, to review Olson Environmental LLC's Fish & Wildlife Habitat Conservation Area Critical Areas Report with the requirements of the applicable City of Camas Shoreline Master Program Appendix C Chapter 16.51 *General Provisions of Critical Areas* and Chapter 16.61 *Fish and Wildlife Habitat Conservation Areas* regulations (See Exhibit 11). WSP's memo dated December 20, 2019 found that the applicant's Critical Areas Report dated October 24, 2019 substantially meets the requirements of Section 16.51 and 16.61 with the exception of identifying goals and objectives of the compensation proposed and analyzing the likelihood of the mitigation project's success in the Critical Areas Report pursuant to 16.51.170.A, which will be conditioned to be addressed in the Final Mitigation Plan. WSP's memo concluded that *"Based on the proposed mitigation measures, the applicant will provide greater habitat functions, on a per function basis, upon completion of the proposed mitigation measures and associated maintenance and monitoring."* As such, staff finds the applicant may reduce the buffer as allowed under SMP Appendix C 16.61.040.D.4. A final mitigation plan is required per SMP Appendix C Section 16.61.030.F.1 and conditioned as such.

Staff recommends that a conditional of approval is necessary for the installation of temporary construction fencing prior to construction to clearly mark in the field the critical area buffer and fencing should remain throughout permitted construction activities. In addition, prior to final short plat approval, permanent fencing should be installed at the edge of the habitat conservation area per SMP Appendix C Section 16.51.200.C. Fencing specifications should be submitted to the City for review and approval prior to installation.

A permanent protective mechanism to ensure long-term preservation and maintenance of the mitigation actions within the entire buffer enhancement area will be required per SMP Appendix C Section 16.61.040.D.2.e and conditioned as such. Further, a copy of the recorded conservation covenant document must be submitted to the City prior to final short plat approval.

Prior to final short plat approval, the applicant will be required to post a mitigation bond in an amount deemed acceptable by the City to ensure mitigation is fully functional per SMP Appendix C Section 16.51.230 and conditioned as such.

**FINDING: Permanent impacts to the stream buffer will be mitigated with best management practices for erosion control during construction and native vegetation measures to ensure no net loss of ecological functions to the shoreline area and maintain habitat connectivity to the shoreline. Staff finds the applicant will comply with the provisions of the Critical Areas regulations as conditioned.**

## **Specific Shoreline Use Regulations (Chapter 6)**

---

The specific use regulations for residential development begins at page 6-21 of the SMP. The applicant addresses the criteria of this section at page 10 of the narrative.

### SMP Section 6.3.12 Residential Development

1. *Residential development shall include provisions to ensure preservation of native vegetation and control erosion during construction.*

**FINDING: No native vegetation is proposed for removal. Erosion control measures and best management practices will be implemented to minimize erosion impacts as shown on the preliminary grading and erosion control plan.**

2. *New residential construction shall be located so as not to require shoreline stabilization measures.*

**FINDING:** The proposed single-family residential structure is to be located approximately 75-feet from the OHWM and therefore will not require shoreline stabilization.

3. *New residential development shall be prohibited in, over, or floating on the water.*

**FINDING:** This criterion is not applicable as residential development is not proposed in, over, or floating on the water.

4. *New residential development shall be located and designed that the bulk and density of structures minimizes view obstructions to and from the shoreline.*

**FINDING:** The existing railroad right-of-way located immediately north of the property is on an elevated levee like earthen structure, which currently blocks views of the shoreline from properties to the north. As such, the proposed residential structure will not block shoreline views.

5. *Clustering of residential units shall be allowed where appropriate to minimize physical and visual impacts on shorelines.*

**FINDING:** The western lot of the proposed 2-lot short plat contains an existing single-family residence and the eastern lot will include the construction a new single-family residential structure. Clustering of residential units is not proposed and therefore this criterion is not applicable.

6. *In those areas where only onsite sewage systems are available, density shall be limited to that which can demonstrably accommodate protection of surface and groundwater quality.*

**FINDING:** Public sanitary sewer is not available to this site. The current residence is connected to an existing septic system and a new septic system is proposed for the new residential structure. Approval from Clark County Health Department will be required prior to installation of the new septic system.

7. *New residential development, including sewage disposal systems, shall be prohibited in floodways and channel migration zones.*

**FINDING:** The new septic system is proposed on the north side of the new residential structure, which are both located outside of floodways and channel migration zone areas.

8. *Appurtenances, accessory uses, and facilities serving a residential structure shall be located outside setbacks and critical areas and buffers unless otherwise allowed under this Program to promote community access and recreational opportunities.*

**FINDING:** Appurtenances, accessory uses, and facilities are not proposed and therefore this criterion is not applicable.

9. *New residential units or lots created through land division in the shoreline shall be sized and configured in accordance with the city's zoning ordinance and shall only be permitted when the following standards are met:*

- a. *Flood hazard reduction measures are not required and will not be necessary during the life of the development or use in accordance with Appendix C, Chapter 16.55 Frequently Flooded Areas.*
- b. *Shoreline stabilization measures are not required.*

**FINDING:** The new residential structure will be located outside of flood hazard areas and 75-feet from the OHWM. Therefore, flood hazard reduction measures and shoreline stabilization measures will not be necessary.



## Short Plat Review (CMC 17.09)

---

Criteria for Preliminary Short Plat Approval. The community development director or designee shall base their decision on an application for preliminary plat approval on the following criteria:

1. *The proposed short plat is in conformance with the Camas comprehensive plan, neighborhood traffic management plan, Camas parks and open space comprehensive plan, and any other city adopted plans;*

### City of Camas Comprehensive Plan:

The subject property is designated as Single-Family Low in the city's Comprehensive Plan, which includes the Single-Family Residential (R-15) zone designation. Single-family dwellings are an allowed use in the Single-Family Residential zone under CMC 18.07.040 Table 2. The applicant is proposing lots required to meet the R-15 development design criteria, which is further discussed under approval criteria 6 within this staff report. The proposed short plat will help accommodate the projected growth through well-planned utilization of existing land and is compatible with the adjacent residential uses. The proposed house, when built, will provide housing opportunities to meet the needs of the community in accordance with the Housing element of the Comprehensive Plan.

### Neighborhood Traffic Management Plan:

The City has a Neighborhood Traffic Management Plan (NTM). The NTM plan identifies the need for installation of acceptable traffic calming features when a proposed development will create 700 Average Daily Trips (ADTs) or more. The proposed short plat development consists of the addition of one new lot, which does not meet the threshold for installation of traffic calming measures.

### Parks and Open Space Plan:

The 2014 Parks, Recreation and Open Space Comprehensive Plan does not identify a required trail or parking improvements adjacent to the subject parcel. Therefore, this plan is not applicable to this project.

**FINDING: Staff finds the proposed project can or will be compatible with the applicable aforementioned city plans.**

2. *Provisions have been made for water, storm drainage, erosion control and sanitary sewage disposal for the short plat which are consistent with current standards and plans as adopted in the Camas Design Standard Manual;*

Water: City water is not available to the proposed development. The existing residence on proposed Lot 2 (4550 SW 5<sup>th</sup> Ave.) receives water from an existing well located on the parcel to the east at 4420 SW 5<sup>th</sup> Avenue and will continue to share the existing well. A 10-foot wide private water service easement for the benefit of proposed Lot 2 (4550 SW 5<sup>th</sup> Ave.) is required. The easement will cross the north east portion of proposed Lot 1 in order to continue to provide water service from 4420 SW the Avenue to proposed Lot 2 (4550 SW 5<sup>th</sup> Ave.).

Staff recommends a condition of approval requiring that prior to final plat approval, the applicant should be required to provide a private water service easement across proposed Lot 1 for the benefit of proposed Lot 2. The private water service easement is to be recorded and a copy of the recorded easement is to be submitted to the City.

As City water is not available to the proposed development, a new well is planned for proposed Lot 1. The new well is proposed to be located in the south eastern portion of proposed Lot 1.

Staff recommends a condition of approval that prior to drilling the new well, the applicant should submit to the Building Department documentation from Clark County Health Department approving the drilling of the new well.

Storm Drainage: A preliminary stormwater report (TIR), prepared by Hale Development Services and dated February 20, 2019, was submitted by the applicant. The report states that any land-disturbing activities will be specific only to proposed Lot 1 in order to construct the driveway access from SW 5<sup>th</sup> Avenue and for the construction of the single-family residence. The proposed improvements are estimated to be approximately 8,500 square feet of impervious pollution generating surfaces (IPGS), which includes 3,300 square feet of driveway and 5,200 square feet for the SFR footprint. As the IPGS is greater than 5,000-square feet, the project triggers Minimum Requirements (MR) #1-#9 for 'New Development Project Thresholds' per Ecology's Stormwater Management Manual for Western Washington (SWMMWW). A MR #6 'Runoff Treatment' is required, as the project exceeds 5,000 square feet of IPGS. However, MR #7 'Flow Control' will not be required. Stormwater flows to the Columbia River, which is a flow control exempt waterbody.

Staff recommends a condition of approval that prior to final engineering plan approval, the applicant should submit a final stormwater report addressing the latest SWMMWW (effective July 2019).

Erosion Control: Adequate erosion control measures can or will be provided at the time that site improvements are submitted for this short plat in accordance with adopted city standards. Site improvements will be limited to proposed Lot 1 during the construction of the driveway access and single family residence. An Erosion Sediment Control (ESC) plan will be submitted to the City for review and approval prior to any land disturbing activities. Staff finds that development will not be required to provide an Erosion Control Bond, per CMC 17.21.050.B.3, as the improvements are less than one acre.

The development of proposed Lot 1 will not require to a NPDES General Construction Stormwater Permit (GCSWP) as land-disturbing activities will be less than one acre. However, the applicant will be required to comply with Ecology's SWMMWW Minimum Requirements (MR) #1-#9, including MR#2 submittal of a Stormwater Pollution Prevention Plan (SWPPP).

Sanitary Sewage Disposal: A City sanitary sewer main is not available to the proposed development. The existing residence located on proposed Lot 2 (4550 SW 5<sup>th</sup> Ave.) is connected to its own existing septic system, which includes a septic tank and drain field. The existing residence (4550 SW 5<sup>th</sup> Ave.) will remain connected to a septic system. However, the existing residence located on proposed Lot 2 (4550) is proposing to decommission the existing septic tank and install a new septic tank.

Staff recommends a condition of approval that prior to building permit approval, the applicant provide documentation to the Building Department that the existing septic tank on proposed Lot 2 (4550 SW 5<sup>th</sup> Ave.), has been decommissioned in accordance with state and county guidelines.

The applicant is proposing to install a new septic system for proposed Lot 1, which includes a septic tanks and drain field. The new septic system will be located in the north eastern portion of Lot 1. Staff recommends a condition of approval that the applicant provide to the Building Department documentation of approval to install a new septic system from the Clark County Health Department, prior to installation of the new septic system for proposed Lot 1.

**FINDING: Staff finds that as conditioned adequate provisions can or will be made for water, stormwater, sanitary sewer, and erosion control improvements that will be acceptable to the city and consistent with city requirements.**

3. *Provisions have been made for roads, utilities, street lighting, street trees, and other improvements that are consistent with the six-year street plan, the Camas Design Standard Manual and other state adopted standards and plans;*

Public Roads: The proposed short plat is located on the south side of the BNSF railroad tracks and is not accessible via a public road.

Private Roads/Lot Access: The proposed short plat and SW 5<sup>th</sup> Avenue are accessible via a railroad crossing located approximately 585-feet west of the proposed development. SW 5<sup>th</sup> Avenue, which is an existing paved private road, provides access to twelve existing single-family residences. Additionally, SW 5<sup>th</sup> Avenue is located on the river side of the railroad tracks, within a 100-foot right-of-way owned by Burlington Northern - Santa Fe (BNSF) Railroad.

Per CMC 17.19.040.B Table 1 – Minimum Private Street Standards, private roads with access to five or more dwelling units greater than 300-feet in length should have a tract width of 48-feet, with 28-feet of paved surface, sidewalks, planter strips, and no parking on one side. The existing roadway is a 12-foot wide paved surface, which does not include sidewalks, planter strips, or parking on either side, which does not meet the city’s minimum standards for a private road.

Per CMC 17.19.040.B.10.f, which states *“When, on the basis of topography, projected traffic usage or other relevant facts, it is unfeasible to comply with the foregoing right-of-way, tract and street width standards, the approval authority, upon recommendation from the City Engineer, may permit a deviation from the standards of Table 17.19.040-1 and Table 17.19.040-2.”*

As this is an existing private roadway located within a BNSF right-of-way and constrained by railroad tracks on its north side and the Columbia River on its south side, a deviation request from the minimum private road standards is recommended by the City Engineer.

Additionally, staff requested the applicant verify with BNSF that the addition of a new driveway within BNSF right-of-way was acceptable. The applicant’s consultant provided an email, dated February 5, 2020, from BNSF’s property management company (See exhibit 26). The email states:

*“agreements aren’t specific to the property but rather the user utilizing the crossing to access the property....the current agreement has no term and therefore utilization of the crossing is allowed to access any property owned by the permit holder across the crossing. If the lot is sold, ownership would change and the new owners would then need to gain an agreement for utilization of the crossing.”*

Therefore, per the February 5, 2020 email, upon the sale of proposed Lot 1, the new owner will need to contact BNSF to obtain an agreement for utilization of the crossing to access the lot. Staff recommends a condition of approval that prior to final plat approval, a plat note should be added stating that future owners of Lot 1 and Lot 2 will be required to obtain a “Utilization of Crossing” agreement from BNSF.

Street lighting: SW 5<sup>th</sup> Avenue is an existing private street located between the BNSF Railroad tracks and the Columbia River. Currently, there is not any existing street lighting along the roadway. Any existing lighting is confined to the individual single family residences located on the south side of SW 5<sup>th</sup> Avenue. A deviation from the requirement for street lighting would be supported by the City Engineer.

Street trees and Landscaping: CMC 17.19.030.F.1 requires each dwelling unit to be landscaped with at least one two-inch diameter tree in the planter strip of the right-of-way, or similar location in the front yard of each dwelling unit. Because street frontage improvements are not required along SW 5<sup>th</sup> Avenue as discussed above, a two-inch diameter tree should be planted in the front yard and conditioned as such. Staff recommends a condition of approval that prior to final engineering plan approval, that the

applicant submit to the city for review and approval a final landscape plan consistent with the landscaping standards in CMC Chapter 18.13. Street trees should be installed or bonded for prior to final occupancy.

**FINDING: Staff finds that the applicant can or will make adequate provisions as conditioned for roads, utilities, street lighting, street trees, and other improvement that are consistent with the six-year plan, the Camas Design Standard Manual or other state adopted standards and plans.**

4. *Provisions have been made for dedications, easements and reservations;*

The applicant will be required, prior to final short plat approval, to provide a copy of the water service easement across proposed Lot 1 for the benefit of Lot 2 (4550 SW 5<sup>th</sup> Ave.).

**FINDING: Staff finds adequate provisions for dedications, easements, and reservations can or will be made by the applicant at the time of site plan approval as conditioned.**

5. *Appropriate provisions are made to address all impacts identified by the transportation impact study;*

A traffic impact analysis is required when the projected number of trips are in excess of 199 VPD (vehicles per day). The proposed short plat development will not generate an excess of 199 VPD. Therefore, a traffic impact analysis is not required for the purpose of short platting.

**FINDING: Staff finds the applicant was not required to include a transportation impact study due to the anticipated low traffic volumes that will be generated with the addition of one lot. Staff finds that this provision does not apply to this particular development.**

6. *The design, shape and orientation of the proposed lots are appropriate to the proposed use for which the lots are intended;*

As shown on the preliminary short plat, the proposed lots will have access onto a private street and a minimum 40 x 40 square foot building envelope per CMC 17.19.030.D.1-3. The building envelope on proposed Lot 1 should not include the existing water easement including any identified critical areas and will be conditioned as such.

Proposed Lot 1 is the oversized lot and is exempt from the lot size requirements per CMC 18.09.040 Table 1 Footnote 3, *“For parcels with an existing dwelling, a one-time exception may be allowed to partition from the parent parcel a lot that exceeds the maximum lot size permitted in the underlying zone. Any further portioning of the parent parcel or the oversized lot must comply with the lot size requirements of the underlying zone.”* Therefore, Lot 2, which contains the existing house must comply with the maximum lot size requirement of 24,000 square feet of the R-15 zone and meets this requirement with a proposed 19,679 square foot lot size.

Both lots comply with the required 30-foot front yard setback, 15-foot side yard setback and 35-foot rear yard setback. As previously discussed under the critical areas section of this staff report, the building envelope for Lot 1 will be setback a minimum of twenty (20) feet from the bottom of the slope as shown on the preliminary short plat and conditioned as such.

The maximum building lot coverage is 35% per CMC 18.09.040 Table 1. Lot coverage, setbacks and building envelopes should be shown on the final short plat and conditioned as such.

**FINDING: Staff finds that the lots proposed can or will meet the city requirements for residential lots as conditioned.**

7. *Provisions are made for the maintenance of commonly owned private facilities;*

The proposed development does not intend to construct any commonly owned private facilities. Stormwater facilities will be sized and located on the individual lots with maintenance the responsibility of the individual lot owner.

**FINDING: Staff finds this provision does not apply to this particular development.**

8. *The short plat complies with the relevant requirements of the Camas land development and zoning codes, and all other relevant local regulations; and*

As discussed under criterion 6 above, the short plat complies with density and dimensional standards of CMC Section 18.09.040 Tables 1 and 2.

Tree Density: At page 10 of the Applicant's narrative, no existing trees are proposed for removal and as such a tree survey is not required per CMC 18.13.040.B. Per CMC 18.13.051.A Table 1 – Required Tree Density, a minimum of 20 tree units (TU) per net (developable) acre is required to be incorporated into the overall landscape plan. Tree density may consist of existing trees, replacement trees or a combination thereof. Based on the 1.46 – net acres, 29 (TU) is required. Based on the applicant's narrative at page 9, the existing (TU) on site is 57 which exceeds this requirement. To protect the existing trees and to ensure the minimum (TU) is met, temporary construction fencing should be installed and maintained during construction and placed in a conservation covenant or protective easement.

As discussed under the Critical Areas Review section of this staff report, the short plat can or will comply with the critical areas regulations in the SMP as conditioned.

**FINDING: Staff finds the preliminary short plat as conditioned can and will meet the relevant requirements of Title 17 Land Development and Title 18 Zoning, as discussed throughout this report. Staff also finds the proposed development can and will meet all other relevant requirements for stormwater and erosion control per CMC Title 14.**

9. *That the plat meets the requirements of Chapter 58.17 RCW and other applicable state and local laws which were in effect at the time of preliminary plat approval.*

**FINDING: Staff finds the proposed preliminary short plat can or will meet the requirements of RCW 58.17 and other applicable state and local laws that are in effect at the time of final platting. The final short plat will be processed in accordance with the requirements of CMC 17.21.060.**

## SEPA Comments

A SEPA checklist was submitted with a Determination of Non Significance (DNS) was issued June 27, 2019 for the proposed development due to the presence of environmentally sensitive areas on the property. Two SEPA comments were received; one from the Department of Ecology on July 11, 2019 (Exhibit 16) concerning implementing erosion control measures and one from Southwest Clean Air Agency on July 2, 2019 (Exhibit 17) concerning construction dust measures. The comment period ended July 11, 2019 and no appeals were submitted.

## Public Comments

---

On August 5, 2019 the City received a joint public comment letter signed by several property owners concerning the Haley Short Plat (See Exhibit 18). The primary issues in the letter addressed maintenance of the existing private road, the conservation area, current septic tank and impact on assessed property value. On October 9, 2019 the City received a second joint public comment letter (Exhibit 19) signed by the same property owners in the August 5, 2019 letter concerning the 1993 Concomitant Rezone Agreement and Covenant Running With the Land, particularly in regards to the plat note “no further divisions of these lots shall be proposed” and the required turnouts for emergency vehicles. With these public comment letters, documents were attached and are referenced above under the ‘History’ section of this staff report.

Staff received a letter from the applicant’s attorney dated November 1, 2019 in response to the above referenced public comment letters (See Exhibit 25).

### *Staff response to public comments:*

**Maintenance of the private road:** The City cannot require the applicant to maintain an existing private road outside the boundaries of the short plat. Further, as discussed in this staff report under criterion 3, roadway frontage improvements are not required.

**Conservation area:** Habitat mitigation is required and proposed with the Haley Short Plat as discussed in this staff report. A condition of approval is the recording of a habitat conservation covenant per City code. The existing conservation covenant was a County requirement when the property was under the County’s jurisdiction.

**Septic Tank:** The proposed preliminary stormwater plan illustrates that the applicant is proposing to decommission and install a new septic tank for the existing residence on proposed Lot 2 and the property to the east. The applicant is also proposing to install a septic tank for the new residence on proposed Lot 1 as discussed in this staff report under criterion 3.

**Assessed value:** Assessed value is not a zoning or land development criteria and therefore is not applicable.

**Concomitant Rezone Agreement and Covenant Running with the Land:** “No further subdivisions of these lots shall be proposed” is a plat note on the 1998 short plat when the property was under County jurisdiction. Since the property is now under Camas jurisdiction, the applicant requests to terminate the Concomitant agreement based on item 4 in that agreement. The current development shall now comply with City development codes.

On January 21, 2021 the applicant submitted to the City a signed letter by the neighbors that submitted the joint public comment letters dated August 5 and October 9, 2019 as described above. According to the signed letter, the neighbors no longer oppose the Haley Short Plat proposal per a settlement agreement with the applicant (Exhibit 27).

## Conclusions

---

1. Based upon the submitted plans and reports, staff finds that “short plat and the single-family residential construction” is an allowed use activity within the medium intensity shoreline designation in accordance with SMP Table 6-1, and may be approved.
2. As proposed, staff finds that the project is consistent with the general goals and policies of the SMP pursuant to SMP Chapter 3 Goals and Policies and Chapter 5 General Use & Development

Regulations including the Specific Shoreline Use Regulations of SMP Chapter 6 at Section 6.3.12 for Residential Development.

3. The development can comply with the critical area regulations of the SMP, Appendix C
4. As conditioned, the applicant can comply with the provisions of CMC Title 17 Land Development and Title 18 Zoning.

## Recommendation

---

Per SMP Appendix C Section IV, the SMRC shall, by majority vote, take one of the following actions:

- 1) If the proposal is determined to be of minor significance, it may approve or deny issuance of a permit prior to conclusion of the meeting. A recommendation is then forwarded to Ecology for their review or,
- 2) If the significance of the project is such that it is likely to involve public concern over the proposed use of the shoreline, it shall refer the application in a written decision to the Hearings Examiner for a public hearing

Staff recommends **APPROVAL** of the Haley Short Plat (File #SHOR19-02) Shoreline Substantial Development consolidated permit as conditioned below:

### Proposed Conditions of approval:

1. Site improvement plans shall be prepared in accordance with the City of Camas Design Standards Manual (CDSM) and CMC 17.19.040.
2. The plans shall be prepared by a licensed civil engineer in Washington State and submitted to the City's Engineering Department for review and approval.
3. A 3% engineering construction plan review and construction inspection fee shall be required for this development. The fee will be based on an engineer's estimate. The estimate shall be submitted to the Engineering Department for review and approval. The fee shall be paid prior to release of the approved construction plans to the applicant. Under no circumstances will the applicant be allowed to begin construction prior to approval of the construction plans.
4. Any existing wells, septic tanks, and septic drain fields, to be decommissioned, shall be decommissioned in accordance with state and county guide lines regardless of lots or properties served by such utility, per CMC 17.19.020.
5. In the event that any item of archaeological interest is uncovered during the course of a permitted ground disturbing action or activity, all ground disturbing activities shall immediately cease and the applicant shall notify the Community Development Department and DAHP.
6. 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.
7. Final as-built construction drawing submittals shall meet the requirements of the CDSM.
8. The applicant shall comply with the SEPA agency comments from Ecology and SWCAA.
9. The applicant shall comply with the geotechnical report recommendations to minimize any potential hazards associated with construction, which includes placing the proposed building foundation a minimum 20-feet from the bottom of the slope at the north end of the site.
10. Irrigation or other measures shall be in place to ensure successful establishment of vegetative cover for a period of three years.

11. The applicant shall install temporary construction fencing to clearly mark in the field the habitat conservation area prior to permitted construction activities and should remain throughout construction.
12. Fencing specifications for the habitat conservation area shall be submitted to the City for review and approval prior to installation.
13. Best Management Practices (i.e. erosion control measures) shall be implemented throughout project construction.
14. Prior to drilling the well, the applicant shall submit to the Building Department documentation from Clark County Health Department approving the drilling of the new well.
15. Prior to installation of the new septic system for proposed Lot 1, the applicant shall submit to the City Building Department documentation from Clark County Health Department approving the installation of a new septic system.
16. To protect the existing trees and to ensure the minimum required (TU) is met, temporary construction fencing shall be installed and maintained during construction.

Prior to Engineering Plan Approval:

17. A final mitigation plan, consistent with the SMP Appendix C Section 16.61.030.F, shall be submitted to the City for review and approval. Further, the plan shall include identifying the goals and objectives of the compensation proposed and analyzing the likelihood of the mitigation project's success pursuant to CMC 16.51.170.A.
18. The applicant shall submit a final stormwater report addressing the latest SWMMWW (effective July 2019).
19. The applicant shall submit to the City for review and approval a final landscape plan consistent with the landscaping standards in CMC Chapter 18.13.

Prior to Final Short Plat Approval:

20. Permanent fencing shall be installed along the edge of the habitat conservation area per SMP Appendix C Section 16.51.200.C.
21. A habitat conservation covenant pursuant to SMP Appendix C Section 16.61.040.D.2.e shall be recorded with the County and a copy of the recorded covenant document shall be submitted to the City.
22. The applicant shall post a mitigation bond in an amount deemed acceptable by the City per SMP Appendix C Section 16.51.230.
23. The applicant shall record the private water service easement across proposed Lot 1 for the benefit of proposed Lot 2 and submit a copy of the recorded private water easement to the City.
24. A plat note shall be added stating the future owners of Lot 1 and Lot 2 will be required to obtain a "Utilization of Crossing" agreement from BNSF.
25. Lot coverage, setbacks and building envelopes shall be shown on the final short plat.
26. The building envelope on proposed Lot 1 shall not include the existing water easement or any identified critical areas and their associated buffers.
27. A tree conservation covenant or protective easement shall be recorded and submitted to the City.



Prior to Final Acceptance:

**28.** Habitat mitigation plantings shall be installed.

Prior to Final Occupancy:

**29.** Street trees shall be installed or bonded for and located within the front yard setback with a minimum two-inch diameter breast height. Specified trees shall be maintained in good health, and damaged or dying trees shall be promptly replaced (within six months) by the homeowner.

**30.** The applicant shall provide documentation to the City Building Department that the existing septic tank located on proposed Lot 2 (4550 SW 5th Ave.) has been decommissioned in accordance with state and county guidelines.

**Plat Notes:**

1. A 10-foot wide private water service easement shall be provided across Lot 1 for the benefit of Lot 2.
2. Future owners of Lot 1 and Lot 2 shall obtain a 'Utilization of Crossing' agreement from BNSF.
3. No further short platting or subdividing will be permitted once the final short plat has been recorded.
4. A building permit will not be issued by the Building Department until all site improvements are completed and final acceptance is issued by the City.
5. The lots in this short plat are subject to traffic impact fees, school impact fees, and park/open space impact fees. New dwellings are subject to the payment of appropriate impact fees at the time of building permit issuance.
6. New automatic fire sprinkler systems designed and installed in accordance with NFPA 13D or 13R are required in all new residences.
7. The following minimum setbacks shall apply: Front yard 30-feet, Side yard 15-feet and Rear yard 35-feet. Building envelope for Lot 1 shall be setback 20-feet from the bottom of the steep slope at the north end of the site.
8. Maximum lot coverage is 35%.

## **Appeal**

---

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