



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

STAFF REPORT

Shoreline Master Program Periodic Review

Report Date: December 22, 2020

TO: Mayor McDonnell
City Council **Prior Council Review:** November 4, 2019 and February 18, 2020

FROM: Sarah Fox, Senior Planner

PUBLIC NOTICES: Notice of Public Hearing before Council was published on January 7, 2021.

Information on the periodic update is available to the public through the city’s website at: <https://www.cityofcamas.us/planning/>. Notices were mailed to 642 properties within 500-foot of a shoreline on August 11, 2020, which described the proposed amendments and provided information on participating in the process. Notice of Public Hearing and 30-day Joint Comment Period was published on August 13, 2020, Legal Publication #436580.

State Environmental Policy Act Determination of Non-significance, Non-project Action was published on August 27, 2020, with legal publication number 441860. The decision was final on September 11, 2020. Department of Commerce, 60-day Notice of Intent to Adopt was accepted on November 5, 2020 (Submittal ID 2020-S-2003).

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

Joint Public Hearing with the Department of Ecology and Camas Planning Commission: September 15, 2020. The Commission forwarded a unanimous recommendation of approval for Council consideration.

Public Meetings: City Council (11/04/19 and 02/18/20); Planning Commission (11/19/19, 7/21/20 and 9/15/20)

Technical Advisory Committee (TAC): Meetings held on 10/30/19; 12/04/19; and 02/27/20

- Ellen Burton, City Council;
- Geoerl Niles, Planning Commission;
- Cassi Marshall, Parks Commission;
- Jeff Dambrun, Georgia-Pacific;
- Jack Loranger, Contractor; and
- Kent Snyder, HHPR

Summary

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

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

In order to encourage early and continuous public participation throughout the process of reviewing the SMP, the city has a webpage that will host information on the project to include document drafts, meeting schedules, and a Public Participation Plan. The “Shoreline Management Program” page can be found on Planning Division’s website at:

<https://www.cityofcamas.us/planning/shoreline>

Public Outreach

The city accepted a grant from the Department of Ecology to support the periodic review project. The bulk of the grant funding will allow the city to perform more robust public participation and outreach. The city hired a public relations firm, JLS, to create a communication plan to ensure a seamless feedback loop between the public, shoreline property owners, and the city. The deliverables include graphics that will set the tone throughout the update. JLS has created an informational flyer, a mailer that was sent to over 600 shoreline property owners, and an informational video that is available on the city’s YouTube channel.

Shoreline Master Program (SMP) Draft – Version 1.5

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

The current version, Version 1.5 includes feedback from City Council, Planning Commission, public, and suggestions from the Department of Ecology. A detailed explanation of the proposed amendments is included within the SMP Checklist.

Discussion

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

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

Shoreline Management Review Committee

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

The SMRC is responsible for reviewing the following types of permits: shoreline substantial developments, shoreline conditional uses, and shoreline variances. If a project is below certain thresholds, it could be deemed exempt from a

shoreline substantial development permit. Developments that are exempt are reviewed by staff and do not require a decision from the Shoreline Management Review Committee.

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

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

1. The city receives application and staff reviews it for technical completeness (7-21 days)
2. Prepare notice when application is complete and schedule public meeting (14 days)
3. Mail notice of application prior to the SMRC public meeting (30 days)
4. SMRC renders decision at meeting and local appeal period starts (14 days)
Additionally, SMRC could refer the application to the city’s hearings examiner (14-30 days)
5. Staff sends decision to Ecology and they respond with a “Date of filing” (3-7 days)
6. Construction may commence 21 days after the “Date of filing” if other approvals such as Site Plan Permits have been simultaneously issued (21 days)

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

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

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

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

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

Another reason for eliminating the SMRC is due to the fact that shoreline permits are very technical environmental permits. The applicant and staff are experienced with navigating the layers of federal, state and local regulations; however it is not as easy for the layperson to follow. The committee members typically bring their deep understanding of the city to the meetings, but historically they do not have professional backgrounds in biology, ecology, or

hydrogeology (or similar fields). As noted above, the committee of four is comprised of the chairs of the Planning Commission and Parks & Recreation Commission, an appointed councilmember, and the Director of the Community Development Department (ex-officio). There are rarely modifications to conditions of the permit as a result of the SMRC review at a public meeting.

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

Docks and Mooring Buoys

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

Currently there are 13 residential lots within ¼ mile of the Camas-Washougal Port community docks, with seven lots that are not part of the Rivers Edge Subdivision, which has a private community dock. Four of those seven residential lots have existing docks. On Lacamas Lake, there are no individual lots within ¼ mile of the city's moorage facility or within ¼ mile of a private community dock. On Lacamas Lake there is one existing private dock at the north end of the lake, and there are six docks built on city's park property on the east side of the lake. In sum, only seven residential lots would be subject to the revised definition of distance.

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

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

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

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

Initial Determination of Consistency

The proposed SMP amendments were received by Ecology on October 1, 2020 for initial state review. The submittal was supplemented on October 15, 2020 and verified as complete on October 16, 2020. This began Ecology's review and initial determination.

After review by Ecology of the complete record submitted and all comments received, Ecology determined that the City's proposed amendment, subject to the required change identified in their letter, is consistent with the policy and standards of RCW 90.58.020 and RCW 90.58.090 and the applicable SMP guidelines (WAC 173-26-171 through 251 and .020 definitions). The recommended change was included in the version attached to this agenda (Version 1.5, page 12).

Equity Considerations

Response

What are the desired results and outcomes for this agenda item?	Conduct a public hearing and render a decision on the draft amendments.
What's the data? What does the data tell us?	The Department of Ecology provides documentation to demonstrate need for changes to our SMP.
How have communities been engaged? Are there opportunities to expand engagement?	The city's website has provided timely updates throughout the process, along with staff updates during public workshops. A video with information was posted on YouTube and social media networks. Shoreline property owners received information mailed to their homes. Legal notices were published in the Camas Post Record.
Who will benefit from, or be burdened by this agenda item?	n/a
What are the strategies to mitigate any unintended consequences?	Opportunities to participate and provide meaningful comments have been provided throughout the process.
Does this agenda item have a differential impact on underserved populations, people living with disabilities, and/or communities of color? Please provide available data to illustrate this impact.	No, this program applies to all owners of property along shorelines and to the public use and enjoyment of shorelines.
Will this agenda item improve ADA accessibilities for people with disabilities?	This is a non-project action.
What potential hurdles exists in implementing this proposal (include both operational and political)?	Staff is unaware of any hurdles.
How will you ensure accountabilities, communicate, and evaluate results?	The city's website will continue to communicate the status of the project and provide current drafts under review.
How does this item support a comprehensive plan goal, policy or other adopted resolution?	This periodic review is required by the Washington State Shoreline Management Act (SMA), RCW 90.58.080(4). The city's current plan was amended in its entirety in 2012, with limited amendments adopted in 2015.

Staff Recommendation

Staff recommends that Council conduct a public hearing, deliberate, and render a decision. If approval, then Council should direct staff to prepare an ordinance for adoption at the next regular meeting.