



State Environmental Policy Act
Determination of Non-Significance

CASE NO: SEPA 17-01 Levow Residence

APPLICANT: Zachary and Holly Levow
2238 SE 12th Avenue
Camas, WA 98607

REQUEST: Demolition of existing residence and construction of a new two-story single family home with a detached garage, sport court, and parking area. The lot is located within the shoreline of the Columbia River. The existing shop will remain.

LOCATION: 2220 SE 11th Avenue, Camas, WA 98607

LEGAL DESCRIPTION: Tax Parcel # 87283-000
Section 12, Township 1 North, Range 3 East of the WM in
Camas, Washington

SEPA DETERMINATION: Determination of Non-Significance (DNS)

COMMENT DEADLINE: **March 9, 2017, at 5:00 p.m.**

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], the City of Camas must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- DS = Determination of Significance (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS).
- MDNS = Mitigated Determination of Non-Significance (The impacts can be addressed through conditions of approval), or;
- DNS = Determination of Non-Significance (The impacts can be addressed by applying the Camas Municipal Code).

Determination:

Determination of Non-Significance (DNS). The City of Camas, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(e). This decision was made after review of a completed environmental checklist, and other information on file with the City of Camas.

Date of Publication & Comment Period:

Publication date of this DNS is **February 23, 2017**, and is issued under WAC 197-11-340. The lead agency will not act on this proposal until the close of the 14-day comment period which ends on **March 9, 2017**. Comments may be sent by email to communitydevelopment@cityofcamas.us.

SEPA Appeal Process:

An appeal of any aspect of this decision, including the SEPA determination and any required mitigation, must be filed with the Community Development Department within fourteen (14) calendar days from the date of the decision notice. The letter of appeal should contain the following information.

1. The case number designated by the City of Camas and the name of the applicant; and,
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Title 16 of the Camas Municipal Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the City Planner. All contact with the City Planner regarding the petition, including notice, shall be with this contact person.

The appeal request and appropriate fee of **\$355** must be submitted to the Community Development Department between 8:00 a.m., and 5:00 p.m., Monday through Friday, at the address listed below:

Appeal to the City of Camas SEPA Official
Community Development Department
616 NE Fourth Avenue
Camas, Washington 98607

Responsible Official: Robert Maul (360) 817-1568
Senior Planner: Sarah Fox (360) 817-7269

 _____ Robert Maul, Planning Manager and Responsible Official	February 23, 2017 _____ Date of publication
---	---



NOTICE OF DECISION FOR LEVOW RESIDENCE

(CITY FILES #CA16-06, SEPA17-01, SHORX17-03, AND ARCH16-10)
CONSOLIDATED REVIEW

Decision Issued: February 23, 2017

Staff Contact: Sarah Fox, Senior Planner
Phone: (360) 817-1568
Email: communitydevelopment@cityofcamas.us

Applicant: Joseph Schaefer, Jordan Ramis
1499 SE Tech Center Place, Ste. 380, Vancouver, WA 98683

Owner: Zachary and Holly Levow
2238 SE 12th Ave., Camas, WA 98607

Location: 2220 SE 11th Ave., Camas, WA **Zoning:** Residential 15,000 (R-15)

Waterbody: Columbia River **Shoreline Designation:** Medium Intensity

Tax Parcel: 87283-000

THIS IS TO SERVE AS NOTICE that a decision of **APPROVAL** has been rendered for the Levow Residence to demolish an existing residence and construct a new two-story single family home with a detached garage, sport court, and parking area.

A staff report and consolidated decision is attached to this notice and includes conditions of approval. Unless otherwise waived or modified in the decision, the development must comply with the minimum requirements of Camas Municipal Code (CMC) and the Camas Shoreline Master Program (SMP).

APPEALS

A critical area decision is a Type II permit, and as such may be appealed to the city's hearings examiner. Appeal procedures are set forth in CMC§ 18.55.200 Appeals – Generally. All appeals are initiated by filing a notice of appeal with the director within fourteen days of issuance of the decision being appealed.

The notice of appeal shall be in writing, include the fee of \$355 and contain the following information:

- (1) Appellant's name, address and phone number;
- (2) Appellant's statement describing his or other standing to appeal;
- (3) Identification of the application which is the subject of the appeal;
- (4) Appellant's statement of grounds for the appeal and the facts upon which the appeal is based;
- (5) The relief sought, including the specific nature and extent;
- (6) A statement that the appellant has read the notice of appeal and believes the content to be true, followed by the appellant's signature.

This consolidated decision is approved based on the applicant's narrative, drawings, and supporting technical reports except as otherwise clarified or modified through the conditions of approval stated herein.

APPROVAL IS BASED ON THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:

FINDINGS

I. LOT DEVELOPMENT STANDARDS

Zoning: The subject property is within a single family zone (R-15) and is approximately 30,492 square feet. The front of the lot abuts a private road, SE 11th Avenue and the side of the lot abuts SE 12th Avenue, yet the two roads do not connect. The residential development is permitted in this zone along with accessory structures. The existing residence has a 1,695 square foot detached shop that fronts the property.

The property is located in the R-15 zone with a lot size that exceeds 20,000 square feet. The setbacks are established by lot size, not zone. The zoning setbacks for the new structures are 30-feet from the street sides, 15-feet from the side property lines, and 35-feet from the rear—notwithstanding the additional environmental setbacks.

The applicant proposes to retain the existing detached shop. The location of the shop at the front of the lot does not conform to zoning regulations, given that accessory structures must be located to the rear of the front building line of the main residential structure. To remain, the structure will be considered a "non-conforming structure" per CMC§18.41.070. In general, the city's non-conforming structure provisions allow for alterations to the structure as long as it doesn't further violate the setback regulations. However, if the structure is removed, then new accessory structures would need to be located to the rear of the main residence. New accessory structures cannot exceed one-story high and must be setback 20-feet from flanking streets (See CMC18.17.040). A condition to that effect will be included in this report.

Impervious surfaces: The Columbia River is a Flow Control-Exempt Surface Water in accordance with the Washington State Department of Ecology's 2014 Stormwater Management Manual for Western Washington, Volume 1, Appendix E, Table 1-E.1. As such, stormwater flow control is not required providing the stormwater runoff is conveyed to the Ordinary High Water Mark of the Columbia River via a manmade conveyance system which could consist of hard piping or a manmade swale or ditch.

The applicant is proposing to remove 8,204 square feet of the existing paved driveway from the site which will be replaced with 4,921 square feet of pervious paver driveway surfacing for a 40% reduction of Pollution Generating Surfaces from the site. The property's pollution generating surface area will now be under 5,000 square feet and as such water quality treatment will not be required.

The applicant should include a site plan detailing the collection and conveyance of stormwater runoff from the site to the ordinary high water mark of the Columbia River. A condition to that effect will be included.

Access. The applicant indicates in the site plan that they will gain access over property owned by Rivers Edge Homeowners Association from SE 12th Avenue. There is currently a wooden fence along that portion of the Rivers' Edge property. The applicant provided a draft agreement at Tab 8 of the application materials. A final recorded copy must be provided to the city to ensure that the applicant has access rights over the adjoining property. A condition to that effect is included in this decision.

Findings: Staff finds that site plan drawing must be revised to include information in regard to the storm conveyance and the recording number of the access easement document.

II. CAMAS SHORELINE MASTER PROGRAM (SMP) SECTION 5.3 AND APPENDIX C

FISH AND WILDLIFE HABITAT AREAS (SMP APPENDIX C CHAPTER 16.61)

The city must ensure, at a minimum, that there is no net loss of shoreline ecological functions. The subject property is located adjacent to the Columbia River, which is classified as a Type S stream. The typical habitat buffer area for a Type S stream is 150-feet, however an exception to this setback was adopted with the SMP for established areas of the city. Properties that front SE 11th and SE 12th Avenue along the Columbia River are subject to a lesser buffer width, which is twenty-percent of lot depth, per SMP, Section 5.3(2)(d). The subject lot does not have a regular shape, and for that reason the average lot depth was used for the setback calculations. The applicant has proposed to place most of the new development landward of the required 73-foot habitat buffer setback. However, a portion of the new residence, exterior pool and patio extend 18'-3" into this buffer area. The proposed impacts and avoidance considerations were addressed within the narrative of the Critical Areas Report (Pages 3, 5-6, September 2016).

The report describes the area impacted by the home and outdoor pool to be approximately 1,012 square feet and in an area that is currently landscaped with lawn and non-native vegetation. The impacts are landward of the OHWM and would reduce the habitat buffer approximately 18'-3", which is 25% of the required buffer of 73-feet. The city may allow for certain base buffer reductions to width if the following criteria are met, per SMP Section 16.61.040 (D)(2) (a-g).

"The director may allow the base stream buffer area width to be reduced in accordance with a critical area report only if:

a. The width reduction will not reduce or degrade stream or habitat functions, including anadromous fish habitat and those of nonfish habitat;

Findings: The area of buffer reduction is landward of the OHWM and not within the fish habitat areas.

b. The stream buffer area width is not reduced by more than twenty-five percent in any one location;

Findings: The proposal requests a 25% reduction, however not for the full width of the lot.

c. The stream buffer area width is not reduced to less than fifteen feet;

Findings: The stream buffer area will be 54'-9" at its narrowest point, which is greater than fifteen feet.

d. The width reduction will not be located within another critical area or associated buffer, and the reduced stream buffer area width is supported by best available science;

Findings: The Critical Areas report was submitted by a qualified biologist, Michele McGraw, and includes a mitigation plan that states that it will "provide greater habitat functions and values than before the proposed development, by replacing invasive, non-native vegetation near the Columbia River with native plants to provide shelter, foraging and increase habitat complexity for fish and wildlife as well as provide continued bank stabilization and erosion control" (page 6).

e. All undeveloped lands within the area will be left undeveloped in perpetuity by covenant, deed restriction, easement, or other legally binding mechanism;

Findings: The mitigation area will be set aside in perpetuity in accordance with SMP 16.61.030 (D) Performance Standards. A condition to this effect is included with this decision.

f. The buffer averaging plan shall be conducted in consultation with a qualified biologist and the plan shall be submitted to the Washington Department of Fish and Wildlife for comment; and

Findings: This decision and associated SEPA determination will be sent to state agencies, to include WA Department of Fish and Wildlife.

g. The City will use the recommendations of the qualified experts in making a decision on a plan that uses buffer averaging."

Findings: The submitted critical area report and mitigation are consistent with SMP 16.61.040D (3). The city concurs that the proposed mitigation of adverse impacts should result in equivalent functions and values. Any comments that the city receives during the comment and appeal periods will be considered, and a revised decision could be issued if necessary.

FREQUENTLY FLOODED AREAS (SMP APPENDIX C, CHAPTER 16.57)

The subject property is located within a Special Flood Hazard Area as identified on the Flood Insurance Rate Maps (2012). The proposed development is not in a floodway, where residential construction is prohibited per SMP Appendix C, 16.57.020. A critical area report in regard to flood hazards is not required.

The applicant notes that the residence will be constructed one foot above the base flood elevation. The elevation of the structure is required per IRC Section R322 Flood Resistant Construction and will be evaluated during building plan review.

Findings: The property is not within a floodway and therefore is allowed in accordance with CMC16.57 and IRC Section R322.

III. ARCHAEOLOGICAL RESOURCE PRESERVATION

The applicant submitted a cultural resources report on August 15, 2016, which met the standards of CMC§ 16.31.030(D) and CMC§ 16.31.120. The applicant provided the tribes with a copy of the report and all supporting materials by certified mail on August 15, 2016. The city did not receive any comments from the tribes by the fourteenth day from the date notification was mailed, pursuant to CMC§ 16.31.160.

The report concluded that no further archaeological work is recommended.

Findings: The applicant provided complete and adequate archaeological resources information in fulfillment of CMC§16.31.140.

IV. CAMAS SMP – SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT EXEMPTION

The proposed development is within the Medium Intensity Shoreline of the Columbia River, a Shoreline of Statewide Significance. The Camas Shoreline Master Program (SMP) allows an exemption of a Shoreline Substantial Development Permit (SDP) for construction on shorelands of a single-family residence if it meets certain design standards, namely that the construction be landward of the Ordinary High Water Mark (OHWM) per exemption #7 of SMP Section 2.3.2. The existing home is located approximately 114 feet from the OHWM according to a letter from the Department of Ecology (June 30, 2015). The proposed residence will be landward of the OHWM.

Setback standards: The property lies within a shoreline management area, and is within a habitat buffer area of the river. The shoreline designation is "Medium Intensity". The shoreline setback within this designation is 35-feet for both primary and accessory structures. There is a primary structure proposed and a swimming pool, which is considered to be an accessory structure. The more restrictive setback is the habitat setback of 73-feet from the OHWM, which is twenty-percent of lot depth, per SMP, Section 5.3(2)(d).

The proposed development includes demolishing the existing home and retaining the detached shop. The new residence will be located 54 to 73-feet landward of the OHWM. The applicant has requested a habitat critical area buffer reduction for a portion of the home, a portion of the outdoor pool and the backyard concrete patio. The proposed impacts were analyzed under the critical area provisions of SMP, Appendix C and mitigation was proposed (refer to Section II of this report). The proposed buffer reduction does not encroach into the shoreline setback.

For this reason, the proposed development is eligible for an SDP exemption consistent with the Camas SMP and with the Washington Administrative Code WAC 173-27-040 and RCW 90.58.030. An exemption from an SDP is not an exemption from compliance with the Shoreline Management Act (Act) or the city's shoreline program, or from any other regulatory requirement not specified.

Findings: Staff finds that the proposed development of a single-family residence qualifies for an exemption from a Shoreline Substantial Development Permit per SMP Section 2.3.2 (#7).

V. STATE ENVIRONMENTAL POLICY ACT

The City issued a State Environmental Policy Act (SEPA) Determination of Non-significance (DNS) based on the ability of the proposal to comply with relevant regulations within local, state and federal law. The SEPA DNS (File #SEPA17-01) and checklist are attached to this staff report and were issued simultaneously as part of the consolidated decision.

VI. CONCLUSIONS OF LAW

The following conclusions of law are based on the findings of facts as discussed throughout this report and decision.

- As conditioned with CA16-06, the development can adequately protect habitat buffers of the river.
- As conditioned with ARCH16-10, the development can adequately protect archaeological resources.
- As proposed, SHORX17-03 qualifies for an exemption from a Shoreline Substantial Development Permit for construction of a single-family residence (SMP Section 2.3.2, #7).

DECISION

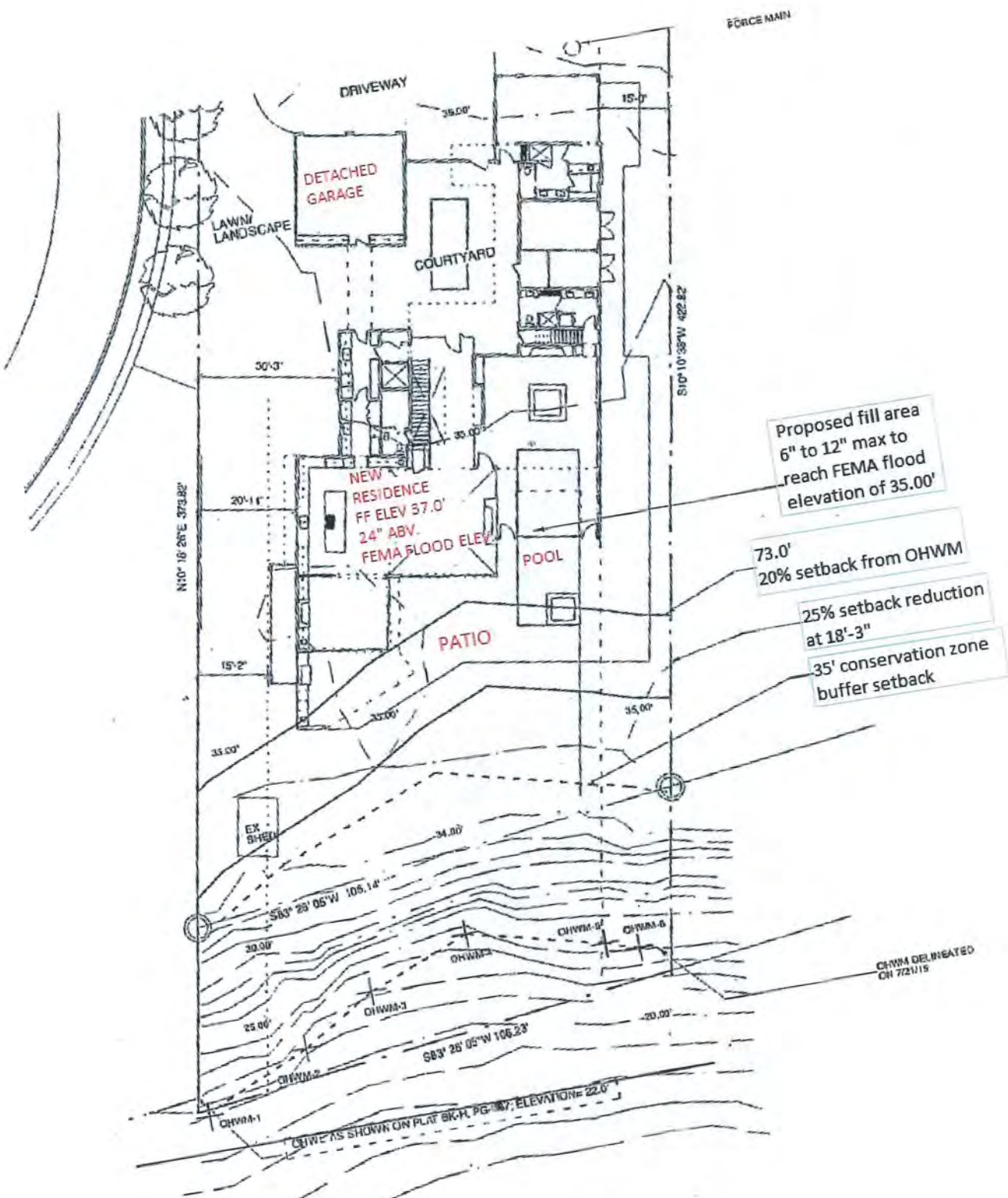
Approval of the consolidated application for the Levow Residence (City Files #CA16-06, SEPA17-01, SHORX17-03, and ARCH16-10) is based on the applicant's narrative, drawings, and supporting technical reports except as otherwise clarified or modified through the following conditions of approval. **Further, unless otherwise waived in writing in this decision, the development must comply with the minimum requirements of Camas Municipal Code.**

CONDITIONS OF APPROVAL

- 1) Automatic sprinklers installed per NFPA 13D or 13R shall be required in all new residential structures.
- 2) The applicant shall include a site plan that provides the details of the collection and conveyance of stormwater runoff from the site to the ordinary high water mark (OHWM) of the Columbia River. This plan must be submitted and approved at the time of building permit application.
- 3) The applicant must provide a copy of the recorded access easement document that grants the applicant access over property owned by Rivers Edge Homeowners Association at time of building permit application.
- 4) The installation of mitigation plantings as depicted at Figure 3 of the Critical Area Report (September 2016) must occur prior to issuance of a certificate of occupancy. The biologist of record must submit a letter to the Building Department to confirm that the installation was completed consistent with the report.
 - a. Maintenance and monitoring of mitigation area must occur for five years after initial installation. The property owner will provide the city's Planning Division with a monitoring report at years 1, 2, 3, and 5.
 - b. The applicant shall record a deed restriction or conservation easement over the mitigation area, and provide a copy of the recorded document to the city prior to issuance of a certificate of occupancy.
- 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) Construction of a bulkhead or retaining wall to create more upland yard is prohibited.



RIVERSIDE AERIAL



**PROPOSED RESIDENCE
LOCATION/ GRADE**

39,376SF
0.904 acres