

RESOLUTION NO. 911

A RESOLUTION adopting findings and approving a shorelines conditional use permit for a boat ramp, dock, and other facilities at the Frank's Moorage site on Lacamas Lake.

The Council of the City of Camas resolve as follows:

Section I

**FINDINGS**

1. **Project Description:** The City of Camas has applied for a shorelines conditional use permit to construct a new boat ramp, dock, and other park facilities at the Frank's Moorage site on Lacamas Lake. The site is zoned residential and is further designated as conservancy under the City's Shorelines Management Master Plan. The proposed improvements include public parking facilities and other infrastructure located outside of the 200-foot shorelines jurisdiction, and a boat ramp, dock, restrooms and picnic facilities located within the 200-foot shoreline zone.

2. **Site Description:** The site consists of approximately six acres located on the southern end of Lacamas Lake. It has been used historically as a day-use park, boat launch, and dock. When the City acquired the property in 1993, the dock had fallen into a state of disrepair, and the park was no longer being actively managed.

The site is located just west of the Moose Lodge facility, which has been purchased by the City but is still occupied by the Moose, and just east of the trail head and parking lot for the Heritage Trail, a public trail along the entire length of the south shore of Lacamas Lake.

Lacamas Lake is currently served by three boat launches. The Lacamas Shores subdivision and Moose Lodge boat launches are privately owned, and use is limited to members of their respective organizations. The Wildlife launch located on the north side of the lake is available for public use. The launch is separated from the parking lot by Ledbetter Road.

Jurisdiction over Lacamas Lake is currently divided between the City of Camas, which controls the south half of the lake, and Clark County, which governs the northern half of the lake. Both jurisdictions have adopted regulations for the use of the lake. Neither jurisdiction has enacted any regulation which prohibits or limits the use of personal water craft (jet skis and wave runners) on Lacamas Lake. No evidence or testimony was presented that Lacamas Shores, the Moose Lodge, or the Wildlife limit or prohibit the launch of personal water craft from their

respective sites.

3. **Procedural History:** This project required both a conditional use permit under the City's zoning code and a shorelines conditional use permit. The Public Works Director issued a mitigated determination of non-significance (MDNS) under SEPA for the project. The mitigation measures required were for erosion control, minimization of dust caused by construction, storm water runoff, and preservation of archaeological resources. Mark Erikson submitted a timely SEPA appeal of the MDNS issued by the Public Works Director. The appeal alleged that the lead agency failed to evaluate significant impacts to air, surface water, wildlife and environmental health caused by personal water craft. The City Council held a public hearing on the appeal, upheld the SEPA determination, and granted the zoning conditional use permit. Findings were adopted on June 22, 1998. That decision was thereafter appealed to Clark County Superior Court under the Land Use Petition Act by Mark Erikson, who alleged various procedural and substandard errors relating to the use of personal water craft. On February 4, 2000, the Clark County Superior Court issued an Order affirming the decision of the City Council. Erikson subsequently appealed the Superior Court decision to the Court of Appeals. On appeal, the only issue remaining is whether the City violated SEPA by issuing the MDNS. That appeal is currently pending.

Pursuant to CMC 18.88.070, the shoreline conditional use permit was considered by the Shoreline Management Review Committee, which reviewed and on October 22, 1998, approved the permit. Pursuant to CMC 18.88.180, Mark Erikson appealed that approval to the City Council. The Erikson appeal again challenged the SEPA process and the alleged failure to consider impacts of personal water craft. The City Council held a public hearing in December of 1998, at which time it tabled the hearing until a decision was rendered in the LUPA appeal pending before Clark County Superior Court. The hearing on the shoreline conditional use permit was reconvened on February 26, 2001.

4. **Approval Standards:** Substantial developments must be consistent with approved Shoreline Management Master Program goals, objectives, and general policies. The Master Program element goals that relate to this proposal are public access, recreational, and shoreline use.

4.1. **Public Access Goals:** The public access goals are 1) to provide, protect, and enhance a public access system that is both physical and visual, utilizing both private and public lands, which increases the amount and diversity of public access to the State's shorelines and adjacent areas, consistent with the natural shoreline character, private rights and public safety, and 2) to integrate public access to shorelines as part of the City's trail system.

This proposal increases the public's access to the shoreline of Lacamas Lake and connects to the Lacamas Lake Heritage Trail, which extends along the entire southern shore of Lacamas Lake. The project increases the diversity of access to the shoreline by providing a dock and boat launch and picnic facilities. Currently access is limited to the Heritage Trail, which is a hiking trail suitable only for pedestrian use.

4.2. **Recreational Goals:** Recreational goals under the Shoreline Management Master Program are 1) to ensure optimal recreational opportunities now and in the future in shoreline areas that can reasonably tolerate during peak use levels active, passive, competitive or contemplative uses without destroying the integrity and character of the shoreline, 2) to coordinate with Parks & Recreation to optimize opportunities for water oriented recreation, and 3) to ensure existing and proposed recreational uses are of a safe and healthy nature.

The City does not currently have a publicly accessible boat launch to Lacamas Lake, and this boat ramp and dock will enhance the opportunity for water oriented recreation at a site that was historically used for the same purposes. The design of the park site is such that the area within the shorelines 200-foot zone will be maintained in a park-like setting with trees and vegetation, thus maintaining the character of the shoreline.

4.3. **Shoreline Use Goals:** Shoreline use goals are 1) to identify and reserve shoreline and water areas with unique attributes for specific long-term uses, including commercial, industrial, residential, recreational and open space uses, 2) to ensure that proposed shoreline uses are distributed, located and developed in a manner that will maintain or improve the health, safety and welfare of the public when such uses must occupy shoreline areas, 3) to encourage joint use activities and proposed shoreline developments, and 4) to encourage restoration of shoreline areas or facilities that have been degraded, abandoned, or diminished in ecological value and function, as well as a result of past activities or catastrophic events.

This project will reserve shoreline and water areas for long-term recreational use by the public. The project further provides for distribution of recreational uses on Lacamas Shores by providing a public access on the south shore of the lake, thereby relieving some of the congestion currently experienced at the Wildlife public launch, which is separated from the parking lot by a public road, and presents a safety hazard to users launching boats. This project will also result in the restoration of the park facilities that have been allowed to become dilapidated through non-use and lack of maintenance, with the overall result of the area being enhanced for public enjoyment of the shoreline.

#### **5. Shoreline Environmental Criteria, Policies, and Limitations:** The Shoreline

Management Master Program objectives for the conservancy environment are to protect, conserve, and manage existing natural resources, including historic, scientific, cultural, and esthetic areas, to ensure a continuous flow of public recreational opportunity, to achieve a sustained resource utilization, and to maintain the existing character of the environment.

This project is found to be consistent with the objectives, policies, and regulations set forth for the conservancy designation. The park was designed to replace an historic boat launch, will provide for continuous public recreational opportunities, and is designed to minimize impacts to the existing character of the environment.

#### **6. Shoreline Policy Statements and Use Activity Regulations:** The general policies

for the conservancy environment under the Shoreline Management Master Program are that preferred uses should be nonconsumptive of the physical and biological resources of the area, the esthetic character of the area should be maintained, public access and passive recreation are encouraged, but large concentrations of intensive use, recreational facilities, and equipment should be discouraged, density of residential development should be minimal, permanent structures should be prohibited in areas subject to flooding, and structural flood control devices should be strongly discouraged. Preferred uses in the conservancy environment under the Shoreline Management Master Program include public recreation.

This project satisfies the general policies and use limitations in that the proposed park is a use which is nonconsumptive of the physical and biological resources, the esthetic character of the area will be maintained, public access and passive recreation will be encouraged, and no

residential development will be allowed.

**7. Shoreline Management Act Policies:** The Shoreline Management Act mandates that local master programs provide for uses on shorelines of statewide significance in a manner of preference intended to recognize and protect the statewide interest over local interests, preserve the natural character of the shoreline, result in long-term over short-term benefit, protect the resources and ecology of the shoreline, increase public access to publicly-owned areas of the shorelines, and increase recreational opportunities for the public in the shoreline.

This project is consistent with the Shoreline Management Act policies above by enhancing public access to the shorelines, increasing recreational opportunities for the public in the shoreline.

**8. The Erikson Appeal:** Mark Erikson's appeal raises two issues. The first issue is whether the City was required to consolidate the application process for the zoning conditional use permit with the shoreline conditional use permit. This issue was considered in the LUPA appeal to Clark County Superior Court on the zoning conditional use permit, and was decided adversely to Erikson. Erikson did not appeal this decision to the Court of Appeals.

Erikson also renews his SEPA objections that the MDNS was improperly issued, because it failed to consider impacts from personal water craft. The record demonstrates that personal water craft are an allowable use on Lacamas Lake under the current rules of Clark County and the City of Camas. The record further indicates that Lacamas Lake is accessible currently by three boat launches, none of which prohibit the launching of personal water craft. The record is devoid of any evidence that the construction of this boat launch will result in any additional use of Lacamas Lake by personal water craft.

The materials submitted by Erikson in support of his position that personal water craft cause adverse environmental impacts consist of excerpts from various studies of national parks and national recreational areas. The actual studies are not part of the record, nor is there any evidence that the environment at Lacamas Lake is substantially similar to the Everglades and the other national parks and recreation areas that were the subject of the studies.

Lacamas Lake is also subject to no-wake zones of 100 feet along all shorelines and the entire south end of the lake. These no-wake zones are designed to prevent shoreline erosion and

disturbance of sedimentation.

## Section II

### CONCLUSIONS

1. The proposed project is consistent with the master program element goals, with the shoreline policy statements and use activity regulations of the master program for the conservancy environment, and with the Shoreline Management Act statewide policies.
2. The City was not required to consolidate the zoning conditional use application with the shorelines conditional use application, and Erikson is collaterally estopped from raising this issue in these proceedings.
3. There is no evidence in the record that the proposed boat launch will increase or otherwise impact the existing use of personal water craft on Lacamas Lake. Therefore, the SEPA issues raised by Erikson are without merit.
4. The evidence submitted by Erikson, even if deemed reliable, is insufficient to support a conclusion that personal water craft cause adverse environmental impacts to Lacamas Lake.
5. The decision of the Shorelines Management Review Committee that this proposal is of minor significance is affirmed, and no public hearing is required before the Planning Commission.

## Section III

### DECISION

The appeal of Mark Erikson is denied, and the conditional use permit application under the Shoreline Act is approved and granted, subject to the conditions set forth in the staff report of February 12, 2001.

ADOPTED by the Council at a regular meeting this 26<sup>th</sup> day of March, 2001.

SIGNED: \_\_\_\_\_

Mayor

ATTEST: \_\_\_\_\_

Clerk

APPROVED as to form: \_\_\_\_\_

City Attorney