

ORDINANCE NO. 2022

AN ORDINANCE amending Chapter 18.88 of the Camas Municipal Code by revising definitions, procedures, and penalties relating to the Shoreline Management Act.

THE COUNCIL OF THE CITY OF CAMAS DO ORDAIN AS FOLLOWS:

Section I

Section 18.88.030 of the Camas Municipal Code is amended to provide as follows:

18.88.030 - Definitions.

- A. "Appurtenances" means a structure or development which is necessarily connected to the use and enjoyment of a single-family residence and is located landward of the ordinary high water mark and also of the perimeter of any marsh, bog, or swamp. Normal appurtenances include a garage, deck, driveway, utilities, fences, and grading which does not exceed two hundred fifty (250) cubic yards.
- B. "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstruction; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state subject to Chapter 90.58 RCW at any state of water level (RCW 90.58.030(3)(d)).
- C. "Fair market value" of a development is the expected price at which the development can be sold to a willing buyer. For developments which involve non-structural operations such as dredging, drilling, dumping or filling, the fair market value is the expected cost of hiring a contractor to perform the operation, or where no such value can be calculated, the total of labor, equipment use, transportation, and other costs incurred for the duration of the permitted project.
- D. "Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which floodwaters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover conditions. The floodway does not include lands that can reasonably be expected to be protected from floodwaters by floodcontrol devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state. The limits of the floodway are based on the national flood insurance program flood boundary and floodway map for the City of Camas.

- E. "Master program" means the comprehensive use plan for the City of Camas, and the use regulations together with maps, diagrams, charts, other descriptive materials, texts, a statement of desired goals, and standards developed in accordance with policies enunciated in RCW 90.58.020.
- F. "Ordinary high water mark (OHWM)" means that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water. See RCW 90.58.030(2)(b) and WAC 173-22-030(6).
- G. "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated (RCW 90.58.030(1)(d)).
- H. "Shorelines" means all of the water areas of the city, including reservoirs, and their associated wetlands, together with lands underlying them; except (1) shorelines of state-wide significance; (2) shorelines on segments of streams upstream of a point where the mean annual flow is twenty (20) cubic feet per second or less and the wetlands associated with such upstream segments; and (3) shorelines on lakes less than twenty (20) acres in size and wetlands associated with such small lakes. (RCW 90.58.030(2)(d)).
- I. "Shorelines of the city" are the total of all "shorelines" and "shorelines of state-wide significance" within the city.
- J. "Shorelines of state-wide significance" means (1) those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand (1,000) acres or more measured at the ordinary high water mark; and (2) those natural rivers or segments thereof downstream of a point where the mean annual flow is measured at one thousand (1,000) cubic feet per second or more.
- K. "Single-family residence (SFR)" means a detached dwelling designed for and occupied by one (1) family including those structures and developments within a contiguous ownership which are a normal appurtenance (WAC 173-14-040(1)(g)).

- L. "Substantial development" means any development of which the total cost or fair market value exceeds Two Thousand Five Hundred Dollars (\$2,500.00), or any development which materially interferes with the normal public use of the water or shorelines of the city; except as specifically exempted pursuant to RCW 90.58.030(3)(e) and WAC 173-14-040. The following shall not be considered substantial developments for the purpose of this chapter:
1. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;
  2. Construction of the normal protective bulkhead common to single-family residences;
  3. Emergency construction necessary to protect property from damage by the elements;
  4. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels; provided, that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;
  5. Construction or modification of navigational aids such as channel markers and anchor buoys;
  6. Construction on wetlands by an owner, lessee, or contract purchaser of a single-family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five (35) feet above average grade level and which meets all requirements of the city other than requirements imposed pursuant to this chapter.
  7. Construction of a dock, including a community dock, designed for pleasure craft only, for the private non-commercial use of the owner, lessee, or contract purchaser of single and multiple family residences, the cost of which does not exceed Two Thousand Five Hundred Dollars (\$2,500.00).

8. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as part of an irrigation system for the primary purpose of making use of system water, including return flow and artificially stored groundwater for the irrigation of lands;
  9. The marking of property lines or corners on state-owned lands, when such marking does not significantly interfere with normal public use of the surface of the water;
  10. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system; and
  11. Any project with a certification from the Governor pursuant to RCW Chapter 80.50.
- M. "Use activity" means any development or substantial development, including but not limited to those addressed by policy statements and use regulations in the master program.
- N. "Wetlands" or "wetland areas" means those lands extending landward for two hundred feet (200) in all directions, as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet (200) from such floodways; and all marshes, bogs, swamps, and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter and the State of Washington Shoreline Management Act (RCW 90.58). For the purposes of this chapter, the term "associated wetlands" includes biological wetlands and other dry upland areas contained within the Shoreline Management Act jurisdiction.

## Section II

Section 18.88.050 of the Camas Municipal Code is amended to read as follows:

- 18.88.050. - Application - Procedure. Applications for such permits shall be made to the Director of Public Works on forms to be prepared by him. The Director of the Public Works Department is appointed the City's "administrator" of the provisions of this chapter and of the master program. The application shall be made by the property owner, lessee, contract purchaser, or other person entitled to possession of the property, or by an authorized agent, and shall be accompanied by a filing fee of Two Hundred Fifty Dollars (\$250.00).

Section III

Section 18.88.060 of the Camas Municipal Code is amended to provide as follows:

18.88.060 - Application - Notice.

- A. Applications provided by the administrator shall include written instructions to the applicant that it is his responsibility to publish and post notices of his application, and to provide the administrator with the names and addresses of all the latest recorded real property owners within four hundred feet (400) of the boundary of the property upon which the substantial development is proposed. The notice of application shall be published by the applicant once a week on the same day of the week for two (2) consecutive weeks in the city's official newspaper, and a local daily paper, and four (4) copies of such notice shall be posted by the applicant in conspicuous places on or in close proximity of the property concerned. The administrator shall mail copies of the notice to all owners of property within four hundred feet (400) of the subject property. Such published, posted, and mailed notices shall contain a statement that any person desiring to present his views on the application should do so in writing addressed to the administrator within thirty (30) days of the final date of publication, posting, or mailing of the notice, whichever comes last. All persons who so submit their views, and all others who so notify the administrator, shall be entitled to receive a copy of the notice taken upon the application.
- B. Prior to the conclusion of such thirty (30) day period, the applicant shall be responsible for providing the administrator with affidavits reciting that the notice has been properly published and posted. The affidavits, together with a certification by the administrator that the notice has been deposited in the U.S. mails pursuant to this section, shall be affixed to the application.

Section IV

Section 18.88.070 of the Camas Municipal Code is amended to provide as follows:

18.88.070 - Review Committee - Created. There is created a Shorelines Management Review Committee (SMRC), which shall consist of the city Director of Public Works, who shall be an ex-officio member, the chairman of the Planning Commission, the chairman of the Parks and Recreation Commission, and a councilperson to be appointed by the Mayor and confirmed by the Council. A chairman shall be elected by the committee annually, or as needed. The SMRC shall convene as often as necessary on the call of the administrator.

## Section V

Section 18.88.080 of the Camas Municipal Code is amended to provide as follows:

18.88.080 - Review Committee - Consideration Criteria for Applications. Immediately upon application for a permit under this chapter, the administrator shall forward the application to the SMRC. The administrator shall also have prepared an environmental assessment on the proposed action pursuant to RCW Chapter 43.21C. Upon receipt of the application, the committee shall consider it, public comments, and supporting data submitted by the applicant, written comments submitted in response to the published and posted notices, and the environmental assessment. Based upon this and other relevant information, the SMRC shall evaluate the nature and scope of the project in its relationship with the overall public interest, shall determine the significance of the proposed action and bonding requirements for improvements. The SMRC shall, by majority vote, take one of the following actions:

- A. If the proposal is determined to be of minor significance, it may approve issuance of a permit which is then forwarded to the state for review; or
- B. 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 to the city Planning Commission for a public hearing.

## Section VI

Section 18.88.100 of the Camas Municipal Code is amended to provide as follows:

18.88.100 - Council Review. Within twenty (20) days, the administrator shall send the Planning Commission recommendation to the City Council and such Planning Commission recommendation shall be accompanied by complete reports from city and regional staff, and by plans and supporting data supplied by the applicant or by other persons supporting or opposing the proposed development.

The applicant and all persons who have previously made written appearances shall be advised that the application will be on the City Council's agenda on a given date and such persons and others may appear and be heard thereon but no formal public hearing is required. After hearing from the applicant and other interested persons, and after considering all plans and data supplied by either, and all staff reports and recommendations, and the Planning Commission's recommendation, the City Council shall decide either to: (1) approve issuance of the permit; (2) disapprove issuance of the permit; or (3) approve issuance of the permit only if certain specific conditions are met.

Section VII

Section 18.88.130 of the Camas Municipal Code is amended to read as follows:

18.88.130 - Permit - Notice. Notification. After final action by the SMRC or the City Council, the administrator shall notify the applicant and all persons requesting in writing notification of such action, but construction shall not begin and no building permits shall be issued until conclusion of the review period provided for in Section 18.88.150.

Section VIII

Section 18.88.150 of the Camas Municipal Code is amended to read as follows:

18.88.150 - Construction Commencement. No construction pursuant to a substantial development permit shall begin or be authorized, and no building, grading, or other construction permits or use permits shall be issued by the city Department of Public Works until receipt of notification from the Department of Ecology that no appeal has been certified by the state within thirty (30) days from the date of filing the final ruling with the Department of Ecology and Attorney General, or until all review proceedings initiated by the state within such thirty (30) days have terminated. (WAC 173-14-120).

Section IX

Section 18.88.160 of the Camas Municipal Code is amended to read as follows:

18.88.160 - Permit - Revision.

- A. Where an applicant seeks to revise a substantial development permit previously granted, he shall submit to the administrator detailed plans and text describing the proposed changes. The administrator shall immediately forward copies of the proposed revisions to the SMRC, and shall also transmit pertinent information to the Department of Ecology, the Attorney General, and the latest recorded real property owners within four hundred feet (400) of the boundary of the subject property, requesting in writing within thirty (30) days whether they believe a new substantial development permit shall be required. Upon conclusion of such thirty (30) day period, SMRC shall convene to consider the proposed revisions and written comments thereon. An application for a revision to an existing substantial development permit, conditional use permit, or variance shall be in accordance with Section 18.88.050 Application - Procedure.
- B. If the SMRC determines that the proposed changes are within the scope and intent of the original

permit, then the SMRC may approve the application for a revision. Within eight (8) days of the date of final local government action, the revision including the revised site plan, test, and the final ruling on consistency with WAC 173-14-064 shall be filed with the Department of Ecology and the Attorney General. In addition, the SMRC shall notify parties of the record of their action.

If the revision to the original permit involves a conditional use or variance which was conditioned by the Department of Ecology, the SMRC shall submit the revision to the Department of Ecology for the department's approval, approval with conditions, or denial. The revision shall indicate that it is being submitted under the requirements of WAC 173-14-064(5).

- C. If the SMRC determines that the proposed changes are not within the scope and intent of the original permit, the SMRC shall deny the revision application.
  
- D. "Within the scope and intent of the original permit" shall mean all of the following:
  - (1) no additional over-water construction is involved except that pier, dock, or float construction may be increased by five hundred (500) square feet or ten (10%) percent from the provisions of the original permit, whichever is less;
  - (2) ground area coverage and height of each structure may be increased a maximum of ten (10%) percent from the provisions of the original permit;
  - (3) additional separate structures may not exceed a total of two hundred fifty (250) square feet;
  - (4) the revised permit does not authorize development to exceed height, lot coverage, setback, or any other requirements of the applicable master program except as authorized under the original permit;
  - (5) additional landscaping is consistent with conditions (if any) attached to the original permit and with the applicable master program;
  - (6) the use authorized pursuant to the original permit is not changed; and
  - (7) no substantial adverse environmental impact will be caused by the project revision.

#### Section X

Section 18.88.170 of the Camas Municipal Code is amended to provide as follows:

18.88.170 - Permit - Rescission. Any substantial development permit may be rescinded by the City Council upon its finding based upon a report from the SMRC that a permittee has not complied with conditions of the permit and no further development shall be done after such rescission, and/or action may be taken against the security posted under Section 18.88.110 of this chapter to assure compliance with conditions of the permit.

Section XI

Section 18.88.180 of the Camas Municipal Code is amended to provide as follows:

18.88.180 - Permit - Appeal.

- A. Any party aggrieved by a decision of the SMRC may have such decision reviewed by the City Council by filing a request for review within ten (10) days following the decision of the SMRC. All reviews by the City Council of SMRC decisions shall be de novo.
- B. Any person aggrieved by a decision of the City Council under this chapter may seek review from the State Shorelines Hearings Board by filing a request for the same with the Department of Ecology and the Attorney General within thirty (30) days of their receipt of the final action as provided for in RCW 90.58.180(1). Copies of the appeal shall likewise be filed with the City Attorney and with the administrator, who will forward copies of the same to members of the SMRC and City Council. The burden of proof shall in all cases be upon the person seeking such review.

Section XII

Section 18.88.190 of the Camas Municipal Code is amended to provide as follows:

18.88.190 - Variance and Conditional Use - Applicability.

In order to insure that strict implementation of the master program will not create unnecessary hardships or thwart the policy enumerated in Section 18.88.020 of this chapter, provisions for variances and conditional uses are here included. These provisions shall apply only when it can be shown that extraordinary circumstances exist and that the public interest would suffer no substantial detrimental effect. In the case of substantial developments, any such varying or conditional use shall be clearly identified upon the permit for substantial development, and no separate application, filing fee, or permit is necessary for this purpose. In the case of developments, applications for variances or conditional uses shall be made to the administrator of this chapter on forms provided to him and such applications shall be processed in the same manner as applications for substantial development permits provided for in Sections 18.88.050 through 18.88.120, inclusive, of this chapter, except that the filing fee for the applications shall be: variance, One Hundred Fifty Dollars (\$150.00); conditional use, One Hundred Fifty Dollars (\$150.00). In all cases the final local action upon a request for a variance or conditional use shall be submitted to the Department of Ecology for approval or disapproval.

Section XIII

Section 18.88.200 of the Camas Municipal Code is amended to

provide as follows:

18.88.200 - Variances. The SMRC and/or the City Council may approve developments and grant substantial development permits which are at variance with the master program policy statements, use regulations, and other pertinent criteria where, owing to special conditions pertaining to a specific piece of property, the literal interpretation and strict application of the criteria would cause undue and unnecessary hardship. No such variance shall be permitted unless the applicant can demonstrate all of the following:

- A. That if he complies with the provisions of the master program he cannot make any reasonable use of his property. The fact that he might make a greater profit by using his property in a manner contrary to the intent of the program is not sufficient reason for a variance;
- B. That the hardship results from the application of the requirements of the act and master program, and not, for example, from deed restrictions or the applicant's own actions;
- C. That the variance granted will be in harmony with the general purpose and intent of the master program; and
- D. That the public welfare and interest will be preserved; if more harm will be done to the area by granting the variance than would be done to the applicant by denying it, the variance will be denied.

#### Section XIV

Section 18.88.210 of the Camas Municipal Code is amended to read as follows:

18.88.210 - Conditional Use. For any use activity which may not be compatible with the shoreline environment in which it is proposed, as defined in the master program, a conditional use approval shall be required. The SMRC and/or the City Council may impose performance standards to make the use more compatible with other desirable uses within that area. Conditional use approval may be granted only if the applicant can demonstrate all of the following:

- A. The use will cause no significant adverse effects on the environment or other uses;
- B. The use will not interfere with public use of public shorelines;
- C. Design of the development will be compatible with the surroundings and the master program; and
- D. The proposed use will not be contrary to the general intent of the master program.

Section XV

Section 18.88.220 of the Camas Municipal Code is amended to read as follows:

18.88.220 - Civil Enforcement.

- A. Cease and Desist Order. The City shall have the authority to serve upon any person a cease and desist order if an activity is being undertaken on the shorelines of the City in violation of this chapter. The cease and desist order shall set forth and contain:
  - 1. A description of the specific nature, location, extent, and time of violation and the damage or potential damage; and
  - 2. A notice that the violation or the potential violation cease and desist or, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty under this section may be issued with the order and same shall specify a date certain or schedule by which payment will be complete.
  - 3. The cease and desist order issued under this subsection shall become effective immediately upon receipt by the person to whom the order is directed.
  - 4. Failure to comply with the terms of a cease and desist order can result in enforcement actions including, but not limited to, the issuance of a civil penalty.
- B. Injunctive Relief. The City Attorney shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the shorelines of the state in conflict with the provisions of the Act and this master program and to otherwise enforce the provisions of the Act and the master program.
- C. Civil Penalty.
  - 1. Violation.

Any person who fails to conform to the terms of a permit issued under this master program or who undertakes a development or use on the shorelines of the state without first obtaining any permit required under the master program or who fails to comply with a cease and desist order issued under regulations shall also be subject to a civil penalty not to exceed One Thousand Dollars (\$1,000.00) for each violation. Each day of violation shall constitute a separate violation.
  - 2. Aiding and Abetting.

Any person who, through an act of commission or omission proceeds, aids, or abets in

the violation shall be considered to have committed a violation for the purposes of the civil penalty.

3. Notice of Penalty.

The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the City. The notice shall include the "content of order" specified in subsection A.

4. Remission and Joint Order.

Within thirty (30) days after the notice is received, the person incurring the penalty may apply in writing to the City for remission or mitigation of such penalty. Upon receipt of the application, the City may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty. Any penalty imposed pursuant to this section by the City shall be subject to review by the City Council. In accordance with RCW 90.58.050 and RCW 90.58.210(4), any penalty jointly imposed by the City and the Department of Ecology shall be appealed to the Shorelines Hearings Board. When a penalty is imposed jointly by the City and the Department of Ecology, it may be remitted or mitigated only upon such terms as both the City and the Department agree.

C. Delinquent Permit Penalty.

Permittees applying for a permit after commencement of a use or activity may, at the discretion of the City be required, in addition, to pay a delinquent permit penalty not to exceed three (3) times the appropriate permit fee paid by the permittee. A person who has caused, aided, or abetted a violation within two (2) years after the issuance of a regulatory order, notice of violation, or penalty by the City or the Department against said person may be subject to a delinquent permit penalty not to exceed ten (10) times the appropriate permit fee paid by the permittee. Delinquent permit penalties shall be paid in full prior to resuming the use or activity.

E. Property Lien.

Any person who fails to pay the prescribed penalty as authorized in this section shall be subject to a lien upon the affected property until such time as the penalty is paid in full. The City Attorney shall file said lien against the affected property in the office of the County Auditor. The notice of lien

shall state the monetary amount owed, the name and address of the person indebted to the City, and the legal description of the property against which the lien is claimed. In addition to filing the lien with the Auditor of the County, a copy of the lien shall be served upon the person indebted by regular mail, and by certified mail, return receipt requested. Any such lien may be foreclosed in the manner provided for the foreclosure of mortgages.

F. Mandatory Civil Penalties.

Issuance of civil penalties is mandatory in the following instances:

1. The violator has ignored the issuance of an order or notice of violation.
2. The violation causes or contributes to significant environmental damage to shorelines of the state as determined by the City.
3. A person causes, aids, or abets in a violation within two years after issuance of a similar regulatory order, notice of violation, or penalty by the City or the Department against said person.

G. Minimum Penalties.

1. Regarding all violations that are mandatory penalties, the minimum penalty is Two Hundred Fifty Dollars (\$250.00).
2. For all other penalties, the minimum penalty is One Hundred Dollars (\$100.00).

Section XVI

Section 18.88.230 of the Camas Municipal Code is amended to provide as follows:

18.88.230 - General Criminal Penalty. In addition to any civil liability, any person found to have willfully engaged in activities on the shorelines of the state in violation of the provisions of the Act or the master program shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not more than ninety (90) days for each separate offense, or by both such fine and imprisonment. Provided, that the fine for each separate offense for the third and all subsequent violations in any five (5) year period shall be not less than Five Hundred Dollars (\$500.00) nor more than Ten Thousand Dollars (\$10,000.00).

Section XVII

There is hereby added to Chapter 18.88 of the Camas Municipal

Code a new section to provide as follows:

18.88.240 - Development and Building Permits. No building permit, septic tank permit, or other development permit shall be issued for any parcel of land developed or divided in violation of the master program. All purchasers or transferees of property shall comply with provisions of the Act and the master program and each purchaser or transferee may recover his damages from any person, firm, corporation, or agent selling, transferring, or leasing land in violation of the Act or the master program, including any amount reasonably spent as a result of inability to obtain any development permit and spent to conform to the requirements of the Act or the master program as well as cost of investigation, suit, and reasonable attorney's fees occasioned thereby. Such purchaser, transferee, or lessor may, as an alternative to conforming his property to these requirements, rescind the sale, transfer, or lease and recover cost of investigation and reasonable attorney's fees occasioned thereby from the violator.

Section XVIII

There is added to Chapter 18.88 of the Camas Municipal Code a new section to provide as follows:

18.88.250 - Severability. If any provision of this chapter or its application to any person or circumstance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter.

Section XIX

This ordinance shall take force and be in effect five (5) days from and after its publication according to law.

PASSED by the Council and APPROVED by the Mayor this 8th day of May, 1995.

SIGNED: [Signature]  
Mayor

ATTEST: [Signature]  
Clerk

APPROVED as to form:  
[Signature]  
City Attorney

# Affidavit of Publication

STATE OF WASHINGTON }  
COUNTY OF CLARK }

I, Michael Gallagher, being first duly sworn, depose and say that I am the owner, editor, publisher of The Post-Record, a weekly newspaper. That said newspaper is a legal newspaper and has been approved as a legal newspaper by order of the superior court in the county in which it is published and it is now and has been for more than six months prior to the date of the publication hereinafter to, published in the English language continuously as a weekly newspaper in Camas, Clark County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication

of said newspaper, that the ORDINANCE NO. 2022

a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for one successive and consecutive weeks in the following issues;

Issue date May 16, 1995

Issue date \_\_\_\_\_

The fee charged for the above publication was:

\$ 567.45

Michael J. Gallagher  
Publisher

Subscribed and sworn to before me this 17<sup>th</sup>

day of May, 1995

Beverly J. Webster  
Notary Public in and for the  
State of Washington,  
Residing at Camas, Washington

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18.88.030—Definitions.

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B. "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructive; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters of the state subject to Chapter 90.58 RCW at any state of water level (RCW 90.58.030(d)).

C. "Fair market value" of a development is the expected price at which the development can be sold to a willing buyer. For developments which involve non-structural operations such as dredging, drilling, dumping or filling, the fair market value is the expected cost of hiring a contractor to perform the operation, or which no such value can be calculated, the total of labor, equipment use, transportation, and other costs incurred for the duration of the permitted project.

D. "Floodway" means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which floodwaters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal conditions, by changes in surface soil conditions or changes in types or quality of vegetative ground cover conditions. The floodway does not include lands that can reasonably be expected to be protected from floodwaters by floodcontrol devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state. The limits of the floodway are based on the national flood insurance program flood boundary and floodway map for the City of Camas.

E. "Master program" means the comprehensive use plan for the City of Camas, and the use regulations together with maps, diagrams, charters, other descriptive materials, texts, a statement of desired goals, and standards developed in accordance with policies enunciated in RCW 90.58.020.

F. "Ordinary high water mark (OHWM)" means that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits, issued by a local government or the department; provided, that in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining fresh water shall be the line of mean high water. See RCW 90.58.030(2)(b) and WAC 173-22-030(6).

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ments thereof downstream of a point where the mean annual flow is measured at one thousand (1,000) cubic feet per second or more.

K. "Single-family residence (SFR)" means a detached dwelling designed for and occupied by one (1) family including those structures and developments within a contiguous ownership which are a normal appurtenance (WAC 173-14-040(1)(g)).

L. "Substantial development" means any development of which the total cost or fair market value exceeds Two Thousand Five Hundred Dollars (\$2,500.00), or any development which materially interferes with the normal public use of the water or shorelines of the city; except as specifically exempted pursuant to RCW 90.58.030(3)(e) and WAC 173-14-040. The following shall not be considered substantial developments for the purpose of this chapter:

1. Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

2. Construction of the normal protective bulkhead common to single-family residences;

3. Emergency construction necessary to protect property from damage by the elements;

4. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels; provided, that a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations;

5. Construction or modification of navigational aids such as channel markers and anchor buoys;

6. Construction on wetlands by an owner, lessee, or contract purchaser of a single-family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five (35) feet above average grade level and which meets all requirements of the city other than requirements imposed pursuant to this chapter.

7. Construction of a dock, including a community dock, designed for pleasure craft only, for the private non-commercial use of the owner, lessee, or contract purchaser of single and multiple family residences, the cost of which does not exceed Two Thousand Five Hundred Dollars (\$2,500.00).

8. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as part of an irrigation system for the primary purpose of making use of system water, including return flow and artificially stored groundwater for the irrigation of lands;

9. The marking of property lines or corner on state-owned lands, when marking does not significantly interfere with normal public use of the surface of the water;

10. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as part of an agricultural drainage or diking system; and

11. Any project with a certification from the Governor pursuant to RCW Chapter 80.50.

M. "Use activity" means any development or substantial development, including but not limited to those addressed by policy statements and use regulations in the master program.

N. "Wetlands" or "wetland areas" means those lands extending landward for two hundred feet (200) in all directions, as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floorplain areas landward two hundred feet (200) from such floodways; and all marshes, bogs, swamps, and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter and the State of Washington Shoreline Management Act (RCW 90.58). For the purposes of this chapter, the term "associated wetlands" includes biological wetlands and other dry upland areas contained within the Shoreline Management Act jurisdiction.

Section II  
Section 18.88.050 of the Camas Municipal Code is amended to read as follows:

18.88.050—Application-Procedure. Applications for such permits shall be made to the Director of Public Works on forms to be prepared by him. The Director of the Public Works Department is appointed the City's "administrator" of the provisions of this chapter and of the master program. The application shall be made by the property owner, lessee, contract purchaser, or other person entitled to possession of the property, or by an authorized agent, and shall be accompanied by a filing fee of Two Hundred Fifty Dollars (\$250.00).

Section III  
Section 18.88.060 of the Camas Municipal Code is amended to provide as follows:

18.88.060—Application-Notice. A. Applications provided by the administrator shall include written instructions to the applicant that it is his responsibility to publish and post notices of his application, and to provide the administrator with the names and addresses of all the latest recorded real property owners within four hundred feet (400) of the boundary of the property upon which the substantial development is proposed. The notice of application shall be published by the applicant once a week on the same day of the week for two

Section shall be affixed to the application.

Section IV  
Section 18.88.070 of the Camas Municipal Code is amended to provide as follows:  
18.88.070—Review Committee-Created.

There is created a Shorelines Management Review Committee (SMRC), which shall consist of the city Director of Public Works, who shall be an ex-officio member, the chairman of the Planning Commission, the chairman of the Parks and Recreation Commission, and a councilperson to be appointed by the Mayor and confirmed by the Council. A chairman shall be elected by the committee annually, or as needed. The SMRC shall convene as often as necessary on the call of the administrator.

Section V  
Section 18.88.080 of the Camas Municipal Code is amended to provide as follows:

18.88.080—Review Committee-Consideration Criteria for Applications. Immediately upon application for a permit under this chapter, the administrator shall forward the application to the SRMC. The administrator shall also have prepared an environmental assessment on the proposed action pursuant to RCW Chapter 43.21C. Upon receipt of the application, the committee shall consider it, public comments, and supporting data submitted by the applicant, written comments submitted in response to the published and posted notices, and the environmental assessment. Based upon this and other relevant information, the SMRC shall evaluate the nature and scope of the project in its relationship with the overall public interest, shall determine the significance of the proposed action, and bonding requirements for improvements. The SMRC shall, by majority vote, take one of the following actions:

A. If the proposal is determined to be of minor significance, it may approve issuance of a permit which is then forwarded to the state for review; or

B. 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 to the city Planning Commission for a public hearing.

Section VI  
Section 18.88.100 of the Camas Municipal Code is amended to provide as follows:

18.88.100—Council Review. Within twenty (20) days, the administrator shall send the Planning Commission recommendation to the City Council and such Planning Commission recommendation shall be accompanied by complete reports from city and regional staff, and by plans and supporting data supplied by the applicant or by other persons supporting or opposing the proposed development.

The applicant and all persons who have previously made written appearances shall be advised that the application will be on the City Council's agenda on a given date and such persons and others may appear and be heard thereon but no formal public hearing is required. After hearing from the applicant and other interested persons, and after considering all plans and data supplied by either, and all staff reports and recommendations, and the Planning Commission's recommendation, the City Council shall decide either to: (1) approve issuance of the permit; (2) disapprove issuance of the permit; or (3) approve issuance of the permit only if certain specific conditions are met.

Section VII  
Section 18.88.130 of the Camas Municipal Code is amended to read as follows:

18.88.130—Permit-Notice. Notification. After final action by the SMRC or the City Council, the administrator shall notify the applicant and all persons requesting in writing notification of such action, but construction shall not begin and no building permits shall be issued until conclusion of the review period provided for in Section 18.88.150.

Section VIII  
Section 18.88.150 of the Camas Municipal Code is amended to read as follows:

18.88.150—Construction Commencement. No construction pursuant to a substantial development permit shall begin or be authorized, and no building, grading, or other construction permits or use permits shall be issued by the city Department of Public Works until receipt of notification from the Department of Ecology that no appeal has been certified by the state within thirty (30) days from the date of filing the final ruling with the Department of Ecology and Attorney General, or until all review proceedings initiated by the state within such thirty (30) days have terminated. (WAC 173-14-120).

Section IX  
Section 18.88.160 of the Camas Municipal Code is amended to read as follows:

18.88.160—Permit-Revision. A. Where an applicant seeks to revise a substantial development permit previously granted, they shall submit to the administrator detailed plans and text describing the proposed changes. The administrator shall immediately forward copies of the proposed revisions to the SMRC, and shall also transmit pertinent information to the Department of Ecology, the Attorney General, and the latest recorded real property owners within four hundred feet (400) of the boundary of the subject property, requesting in writing within thirty (30) days whether they believe a new substantial development permit shall be required. Upon conclusion of such thirty (30) day period, SMRC shall convene to consider the proposed revisions and written comments thereon. An application for a revision to an existing substantial development permit, conditional use permit, or variance shall be in accordance with Section 18.88.050 Application-Procedure.

B. If the SMRC determines that the proposed changes are within the scope and intent of the original permit, then the SMRC may approve the application for a revision. Within eight (8) days of the date of final local government action, the revision including