



Staff Report and Recommendation

Date: July 3, 2019
To: Kalama City Council
From: John Floyd, Mackenzie/Consulting Planner for City of Kalama
Re: Extension and Revision of Haydu Park Shoreline Substantial Development Permit
(Permit No. 253 Kalama River Road)

Proposal

As discussed at the June 20, 2019 public hearing, the Kalama School District is proposing to expand the southern baseball field within Haydu Park, owned by the Port of Kalama, from its current size of 265-feet (measured from the home plate to the furthest edge of the outfield) to 350-feet. This expansion will allow use of the ballfield by high school teams, which require larger outfields. This ballfield expansion will require reconfiguration of paved pedestrian paths and gravel maintenance paths around the expanded ballfield, the modification of the southeastern soccer field, and the shift and reconfiguration of the stormwater facility currently south of the existing ballfield. Portions of the project will be located in Critical Areas, specifically Riparian Habitat Area (RHA) and frequently flooded areas associated with the Kalama River.

Haydu Park was recently constructed by the Port of Kalama under a Shoreline Substantial Development Permit approved by the Kalama City Council in 2014. The permit was approved with a five-year validity period that expires on August 7, 2019. Rather than apply for a new shoreline permit, the School District is proposing to extend and revise the existing shoreline permit to include the proposed field modifications. As described in their application, it is their opinion that the Haydu Ballfield Expansion project remains within the “scope and intent of the original permit”, as defined in Washington Administrative Code (WAC) 173-27-100(2)(a-f) which warrants an approval for permit revision. Extension of the permit is required as it is anticipated that field modifications cannot be completed prior to August 7, 2019.

Project Location

Haydu Park, located at 253 Kalama River Road (Parcel No. 412220128) within the City of Kalama. The project will be located in Section 32, Township 7 North, Range 1 West, W.M., Cowlitz County, Washington.

The site is bounded by Kalama River Road and Norris Pit Road to the north, single family lots owned by the Port of Kalama to the west, and the Columbia River to the south and east.

City Council Action Required: Yes

Staff Recommendation

Approve the requested permit extension and revision, subject to revised conditions of approval contained within this staff report.

Overview

As previously described, the Kalama School District is proposing to expand the southern baseball field within Haydu Park, owned by the Port of Kalama, from its current size of 265-feet (measured from the home plate to the furthest edge of the outfield) to 350-feet. The expansion will require reconfiguration of paved pedestrian paths and gravel maintenance paths around the expanded ballfield, the modification of the southeastern soccer field, and the shift and reconfiguration of the stormwater facility currently south of the existing ballfield. The southeastern corner of the expansion will extend approximately 0.30 acres into the Riparian Habitat Area (RHA) of the Kalama River, and mitigation at a 2:1 ratio is proposed for these impacts. Work is also proposed within floodplain and floodway areas associated with the Kalama River.

The project specifically includes the following:

- Removal of existing chain link fencing, posts and foundations, and paved pedestrian paths located within the proposed area of the new baseball outfield.
- Removal of existing trees and existing sod and topsoil to a depth of 12-inches within the limits of disturbance area.
- Reconstruction of existing on-site storm pond.
- Removal of existing foul poles, posts and foundations, fill and compact of post holes.
- Installation of a 6' high permanent chain-link fence for the new baseball outfield boundary.
- Installation of a 20' high chain-link fence on the west side of the baseball field as a foul line backstop.
- Installation of a 15' wide, cinder rock warning track along the proposed south and west boundaries of the baseball field.
- Reinstallation of foul poles in expanded baseball field.
- Installation of electronic scoreboard in the southwest corner of the expanded baseball field including installation of new conduit run.
- Installation of a new 12" RCP storm pipe; 12" cleanout; 6" cleanout; 6" HDPE storm pipe; and 4" perforated pipe French drain, for stormwater management improvements per plans.

Findings

WAC 173-27-090 Shoreline Substantial Development Permit Extension Criteria:

1. **Shoreline Permit Extension:** The existing Haydu Park Shoreline Permit expires August 7, 2019. To provide adequate time to modify the existing permit and complete the work, the Kalama School District is requesting an extension on behalf of the Port of Kalama, the original permit holder. Per WAC 173-27-090, single extensions for a period not to exceed one year may be granted if the



request is based on reasonable factors, has been filed before the expiration date, and a notice of the proposed extension is given to parties of record and to the department. As described in the application materials, the request is reasonable in that the purpose of the extension is to conduct additional work within the park that they believe is within the scope and intent of the original permit. The request is timely in that the application was received on June 3, 2019, over two months prior to permit expiration. The only party of record is the Department of Ecology, and the department was notified of the action on June 14, 2019. Therefore, staff finds the criteria for extension have been met.

2. **Revisions to Existing Shoreline Approval:** WAC 173-27-100 states that a permit revision is required whenever the applicant proposes substantive changes to the design, terms, or conditions of a project from that which is approved in the permit. As required by WAC 173-27-100(1), the applicant has presented plans and text describing the proposed changes for the city's review and provided findings as to why they are consistent with the scope and intent of the original permit, as defined in WAC 173-27-100(2), based on the following findings:

- No over water construction is proposed;
- The ground area coverage of the ballfield expansion will be less than ten percent of the ground coverage of the approved park area;
- The ballfield expansion will not exceed height, lot coverage, setback, or other requirements of the 1977 Cowlitz County Shoreline Management Master Program (SMP);
- The additional landscaping is consistent with the original Haydu Park permit and SMP;
- The land use is consistent with the use approved in the original permit;
- The applicant is proposing mitigation to account for increased impacts to the riparian habitat area, as set forth in the Critical Areas Report and Mitigation Plan contained within the application. With these mitigations, adverse impacts are not anticipated; and
- The application does not provide detailed information regarding work within the floodway but plans provided do not show any structures proposed with the application and grading within the floodway appears to involve cut but no fill. Existing conditions of approval contained with the 2014 permit will continue to ensure the work complies with the city's regulations for frequently flooded areas. As conditioned, no adverse impact is anticipated.

3. **FEMA Floodway:** The proposed expansion of the ballfield includes work within the floodway of the Kalama River. Work within the floodway was approved with the original permit in 2014, and existing conditions of approval No. 6 and 7 required compliance with KMC 14.16 (Floodplain Management). These conditions remain applicable to future work authorized under the permit revision.

On June 19, the City was contacted by the applicant's engineer who requested the deferral of certain application requirements required in KMC 14.16.120(A) until after the work is completed but prior to final inspection by the City. More specifically, the engineer stated they are having difficulty obtaining background data necessary to provide the "hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels".



In consideration of this difficulty and the school district's desire to complete the ballfield expansion during the summer construction window, staff is recommending that Council consider revisions to existing condition 7 that applies prior to construction, and the addition of a new condition that would apply prior to final inspection. While deferral of this analysis is unusual, the work involved is largely limited to excavation and can be restored if the required analysis cannot be provided.

4. **Other Permits and Approvals:** Other government approvals, such as a building permit, fill and grade permit, stormwater permit, critical areas permits, floodplain permit, and a Bald and Golden Eagle Incidental Take permit are required for this type of project. It is the applicant's responsibility to ascertain the requisite permits and obtain them. A shorelines permit does not relieve the applicant of the necessity of acquiring all requisite local, state and federal permits for this project.
5. **State Environmental Policy Act (SEPA):** A SEPA Determination of Non-Significance (DNS) was issued by the City of Kalama as lead agency on June 14, 2019, and a 14-day public comment period was observed prior to final action by the Council. One letter was received from the Department of Ecology (June 27, 2019) regarding the proposed riparian habitat mitigation and water quality requirements. Responses to the comments are discussed below, and staff does not recommend a change in the Determination of Nonsignificance.
 - *"The riparian enhancement area needs to be monitored for a minimum of five years."* The applicant's critical areas report recommended a two-year monitoring period. The Department of Ecology comment letter did not state why a five-year period was required. A review of the Critical Areas ordinance establishes a two-year monitoring period for required wetland mitigation, but does not establish a minimum time period for riparian habitat mitigation. A review of the previous permit and available City records revealed that the applicant had met or exceeded performance standards set forth for riparian habitat enhancement within the 2014 mitigation plan within two years of planting. As a result staff believes two years to be sufficient and consistent with city code.
 - *"Ecology recommends that in addition to the two proposed trees species, the applicant install an understory of native shrubs. The mitigation plan needs to be revised accordingly, including appropriate performance standards for minimum cover of native species and maximum cover of non-native, invasive species."* The City's code requires the mitigation plan to be prepared by a qualified biologist, in this case the same firm as the original approval, and meet the standards of 15.02.170 which the applicant has done.
 - *"Erosion control measures must be in place..."* – This comment discussed required erosion control measures and permits, including a prohibition on sediment-laden runoff into water of the state and the potential need for a Construction Stormwater General Permit. All work will be required to adhere to existing conditions of the approved permit, including conditions 4, 5, and 9 that require conformance with the Kalama Development Guidelines and Public Works standards, and to obtain a Department of Ecology Stormwater NPDES permit. As a result, no further action is recommended.

Conclusions

The individual findings and conclusions stated above establish that this proposal either meets, or as conditioned in the original approval, meets the criteria for a shoreline permit extension set forth in WAC 197-27-090, and the criteria for a shoreline permit revision in WAC 197-27-100.



Staff Recommendation

Staff recommends that Council approve the proposed extension and revision of Shoreline Substantial Development Permit No. 253 Kalama River Road, subject to all conditions set forth in the 2014 approval and as modified below:

- Condition 7 - Proposed improvements within the floodway shall meet the applicable standards of KMC 14.16. The applicant may defer hydrologic and hydraulic analysis required in KMC 14.16.120(A) until prior to final inspection, as noted in condition 11a.
- Condition 11a - Prior to final inspection of any sitework, the applicant shall provide hydrologic and hydraulic analysis meeting the standards of KMC 14.16.120(A). If the applicant cannot meet this standard, areas within the floodway shall be restored to pre-development condition.
- Condition 22 – The applicant shall submit annual monitoring reports of the riparian habitat mitigation area for a minimum of two years, and provide a final report verifying that performance measures set forth in the critical areas report have been met or exceeded.

List of Exhibits

- A. Master Permit Application
- B. Supplemental Application
- C. Stormwater Memorandum
- D. Shoreline Extension
- E. Critical Area Report and Mitigation Plan
- F. Proposed Plans
- G. SEPA DNS and Environmental Checklist
- H. 2014 Shoreline Substantial Development (Permit No. 235 Kalama River Road)
- I. Letter from Washington State Department of Ecology (June 27, 2019)

cc: Adam Smee, City Administrator
Susan Junnikkala, Permit Technician
Coni McMaster, City Treasurer/Clerk
Kelly Rasmussen, Director of Public Works
Kalama School District, Applicant
Port of Kalama, Property Owner

