

PROPOSED (DRAFT) CAMAS MUNICIPAL CODE AMENDMENTS

Staff Note:

In general, only the sections of the Camas Municipal Code (CMC) that are proposed to change are included in this version. CMC Title 16 - Environment is available [online](#) in its entirety at the city's website.

*Further, if the text is not shown struck out (e.g. ~~Amendment~~) or underlined (e.g. Amendment), then there are **no changes** intended or proposed.*

CHAPTER 16.01 – STATE ENVIRONMENTAL POLICY ACT (SEPA) GENERAL PROVISIONS

16.01.010 - STATE ENVIRONMENTAL POLICY ACT STATUTORY AUTHORITY.

The city adopts this chapter under the State Environmental Policy Act (SEPA), RCW 43.21C.120, and the SEPA Rules, WAC 197-11-904.

CHAPTER 16.07 – SEPA CATEGORICAL EXEMPTION AND THRESHOLD DETERMINATIONS

16.07.020 – FLEXIBLE EXEMPTION LEVELS.

A. The city establishes the following exempt levels for minor new construction under WAC 197-11-800(1)(b) based on local conditions, which is consistent with WAC 197-11-800(1):

| Project Types | Exempt Levels in Camas |
|--|---|
| Single family residential dwelling units | Up to 10 9 dwelling units |
| Multifamily residential | Up to 9 dwelling units |
| Agricultural structures | Up to 30,000 square feet |
| Office, school, commercial, recreational, service or storage buildings (including associated parking lots) | Up to 1230,000 square feet and associated parking spaces lots of up to 40 spaces. |
| Parking lots not associated with a structure | Up to 20 parking spaces |
| Landfills and excavation | Up to 500 cubic yards |

1. For residential dwelling units in WAC 197-11-800(1)(b)(i) (Note: Range four to twenty units): up to ten dwelling units;
2. For agricultural structures in WAC 197-11-800(1)(b)(ii) (Note: Range ten thousand to thirty thousand square feet): up to thirty thousand square feet;
3. For office, school, commercial, recreational, service or storage buildings in WAC 197-11-800(1)(b)(iii) (Note: Range four thousand to twelve thousand square feet and twenty to forty parking spaces): up to twelve thousand square feet and up to forty parking spaces;
4. For parking lots in WAC 197-11-800(1)(b)(iv) (Note: Range twenty to forty parking spaces): up to forty parking spaces;
5. For landfills and excavations in WAC 197-11-800(1)(b)(v) (Note: Range one hundred to five hundred cubic yards): up to five hundred cubic yards.

B. Whenever the city establishes new exempt levels under this section, it shall send them to the Department of Ecology, headquarters office, Olympia, Washington, under WAC 197-11-800(1)(c).

C. The exemptions listed in CMC Section 16.07.020 and WAC 197-11-800 shall not apply within critical areas, or within 200 feet of a critical area boundary.

Commented [SF1]: WAC 197-11-800(1)(b)(i) is the minimum requirement. A list of the maximum allowances are at (1)(d). The city must adopt exemptions within the range.

Commented [SF2]: Consistent with short plat threshold. WAC allows 4-30 units.

Commented [SF3]: Maximum density in multi-family zones is 18 units per acre. WAC allows a range of 4 – 60 units.

Commented [SF4]: No change proposed since agricultural uses are considered to be “non-conforming”. New agricultural structures are only allowed per CMC§18.41.140 Nonconforming permitted uses. Maximum allowed per WAC is 40,000 sq. ft.

Commented [SF5]: Maximum allowed is 30,000 sq. ft. and 40 spaces.

Commented [SF6]: This type is new to Camas, but is separate in WAC. This is the maximum allowed.

Commented [SF7]: No change proposed. Range allows up to 1,000 cubic yards.

Commented [SF8]: (Moved from Section 16.07.025) The intent of this end phrase is to provide clarity that projects adjacent to a critical area must be reviewed.

~~16.07.025— ENVIRONMENTALLY SENSITIVE AREAS.~~

16.13.030 — SEPA CONDITIONS.

The city may attach conditions to a permit or approval for a proposal so long as:

- A. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this title; and
- B. Such conditions are in writing; and
- C. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
- D. The city has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and
- E. Such conditions are based on one or more policies in Section 16.13.050 of this chapter, and cited in the license or other decision document.

16.13.060 — SEPA APPEAL.

Except for permits and variances issued pursuant to the Camas Shoreline Master Program, when any proposal or action ~~not requiring a decision of the city council~~ is conditioned or denied on the basis of SEPA by a nonelected official, the decision shall be appealable to the ~~city council~~ Hearings Examiner. Such appeal may be perfected by the proponent or any aggrieved party by giving notice to the ~~responsible official~~ City of Camas Clerk within ~~ten-fourteen (14)~~ ten (10) days of the ~~date the decision being was appealed~~ issuance. ~~Review by the city council shall be on a de novo basis.~~

Commented [SF9]: This section appears to have been missed with the initial update in 2005 when the Hearings Examiner (Ch.2.15) was added as the authority in these cases.

CHAPTER 16.19 - FEES

Sections: |

16.19.010 — FEES REQUIRED.

The city shall require the following fees for its activities in accordance with the provisions of this title.

- A. ~~16.19.020~~—Threshold determination. For every environmental checklist the city reviews when it is lead agency, the city shall collect a fee in accordance with the most current fee schedule adopted by the city. The time periods provided for by this title for making a threshold determination shall not begin to run until payment of the fee.
- B. ~~16.19.030~~—Environmental impact statement.
 - 1. ~~A.~~—When the city is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the city, the city may charge and collect a reasonable fee from any applicant to cover costs incurred by the city in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.
 - 2. ~~B.~~—The responsible official may determine that the city will contract directly with a consultant for preparation of an EIS, or a portion of the EIS, for activities initiated by some persons or entity other than the city and may bill such costs and expenses directly to the applicant. Such consultants shall be selected by mutual agreement of the city and applicant after a call for

Commented [SF10]: This is only a formatting correction and to remove reference to using Ecology's forms when the city has their own.

proposals. The city may require the applicant to post bond or otherwise ensure payment of such costs.

3. ~~C.~~ If a proposal is modified so that an EIS is no longer required, the responsible official shall refund any fees collected under subsection A or B of this section which remain after incurred costs are paid.

CHAPTER 16.21—FORMS

Sections:

~~16.21.010—ADOPTION BY REFERENCE.~~

~~The city adopts the following forms and sections of WAC Chapter 197-11 by reference:~~

| | |
|-----------------------|---|
| 197-11-960 | Environmental checklist. |
| 197-11-965 | Adoption notice. |
| 197-11-970 | Determination of non-significance (DNS). |
| 197-11-980 | Determination of significance and scoping notice (DS). |
| 197-11-985 | Notice of assumption of lead agency status. |
| 197-11-990 | Notice of action. |

Commented [SF11]: This entire section consists of the sample forms. The city did not adopt the sample forms, we modified their forms or we issue a letter.

ARCHAEOLOGICAL

CHAPTER 16.31 - ARCHAEOLOGICAL RESOURCE PRESERVATION

Sections:

16.31.010 - PURPOSE.

~~The discovery, identification, excavation, preservation and study of archaeological resources, the inventorying of archaeological sites and collections, and providing information to state, federal and private agencies regarding the impact of construction activities on archaeological resources are public functions, and the city is an appropriate agency to assist in the carrying out of these functions.~~

The purposes of this chapter are to:

- A. Encourage the identification and preservation of cultural, archaeological, and historic resources consistent with the Growth Management Act of 1990, as amended, and Camas' comprehensive plan;
- B. Establish clear procedures and specific standards for identifying, documenting and preserving Camas' cultural, archaeological and historic resources;
- C. Ensure use of the best available technology and techniques commonly accepted as standards in the profession of archaeology;
- D. Establish a fair and equitable process for balancing the identification and preservation of cultural, archaeological, and historic resources with economic development;
- E. Ensure coordination and consistency in the implementation of the State Environmental Policy Act, the Shoreline Management Act and the Growth Management Act.
- ~~F. Development of land should be regulated to mitigate adverse impacts to archaeological resources.~~

Commented [SF12]: This section was moved from Chapter 16.33 Policy Background for Archaeological Resources.

16.31.015 - ARCHAEOLOGICAL RESOURCES POLICIES-

~~A. Policy Background.~~

~~BA.~~ Policies.

- 1. It is the city's policy to identify, inventory and preserve archaeological resources and archaeological sites located within the city.
- 2. Whenever a development proposal contains a known or suspected archaeological site, the responsible officials shall assess the probable effect of the impact and the need for mitigating measures.
- 3. Whenever the responsible official determines that a development project may contain an archaeological site or may adversely impact a known archaeological site, the proponent may be required to retain the services of a qualified professional archaeologist to assess the impact of the development, and to propose such mitigating measures as may be necessary.
- 4. The responsible official shall notify the Washington State Office of Archaeology and Historic Preservation, Department of Community Development, of any development activity that may adversely impact a recognized or suspected archaeological site.
- 5. If the responsible official makes a written finding that a development project will adversely impact an archaeological site, then the responsible official may condition or deny the development project to minimize such adverse impact.
- 6. Mitigation measures may include:

- a. Reduction in size or scope of the project;
 - b. Requiring the implementation of mitigation measures as recommended by a professional archaeologist;
 - c. Requiring compliance with any permits or conditions as may be imposed or recommended by the Washington State Office of Archaeology and Historic Preservation.
7. If archaeological resources are discovered on a development site after approval of the development by the city without the imposition of appropriate mitigation measures, then the responsible official may issue an order to cease and desist all development activity in the affected area until such time as an appropriate archaeological resources assessment can be undertaken and mitigating measures, if necessary, implemented.

16.31.020 - DEFINITIONS.

In addition to those definitions listed in CMC Chapter 18.09, the following definitions shall apply to this chapter:

- A. "Adequately surveyed and documented" means that: (1) the survey method, level of analysis, and area covered are sufficient to meet the requirements of this chapter; and (2) the documentation is sufficient to allow another archaeologist to repeat the survey and reach the same conclusion. Adequacy shall be determined by the director.
- B. "Archaeological object" means an object that comprises the physical evidence of an indigenous and subsequent culture, including material remains of past human life, including monuments, symbols, tools, facilities and technological by-products (WAC 25-48-020(8)).
- C. "Archaeological resource survey" means procedure by which an archaeologist makes an assessment of the presence or absence of an archaeological site on a parcel, a preliminary assessment of a site's significance, and a recommendation for further evaluation, avoidance, mitigation, or recovery of resources.
- D. "Archaeological resources" means any material remains of human life or activities which are of archaeological interest. This shall include all sites, objects, structures, artifacts, implements, and locations of prehistoric or archaeological interest, whether previously recorded or still unrecognized, including, but not limited to, those pertaining to prehistoric and historic American Indian or aboriginal burials, campsites, dwellings, and their habitation sites, including rock shelters and caves, their artifacts and implements of culture such as projectile points, arrowheads, skeletal remains, grave goods, basketry, pestles, mauls, and grinding stones, knives, scrapers, rock carvings and paintings, and other implements and artifacts of any material (WAC 25-48-020(10)). This shall also include any material remains of human life or activities from historic periods which are located at least partially below the ground surface necessitating the use of archaeological methods for study or recovery.
- E. "Archaeological site" means a geographic locality in Washington, including but not limited to, submerged and submersible lands, and the bed of the sea within the state's jurisdiction, that contains archaeological objects (WAC 25-48-020(9)).
- F. "Archaeologist" means either a qualified archaeologist (RCW 27.53.030(9)) or a professional archaeologist (RCW 27.53.030(8) and WAC 25-48-020(4)) who has been approved by the city. Both qualified archaeologists and professional archaeologists may perform predeterminations and surveys. Only professional archaeologists may perform services such as evaluation and data recovery for which a state permit is needed.
- G. "DAHP" means the Washington State Department of Archaeology and Historic Preservation.
- H. "Department" means the community development department.
- I. "Director" means the director of the community development department or designee.
- J. "Feature" means an artifact or set of artifacts which loses its integrity when moved due to its size and complexity (e.g., a hearth or a house floor).

Commented [SF13]: The change to this section includes adding numbering (ABC..) and amending the definition of "Probability Level" at (new) N.

- K. "Known, recorded archaeological site" means an archaeological site which has been recorded with DAHP.
- L. "Of archaeological interest" means capable of providing scientific or humanistic understandings of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques such as controlled observation, contextual measurement, controlled collection, analysis, interpretation, and explanation (WAC 25-48-020(12)).
- M. "Predetermination" means a procedure similar to, but of less intensity than an archaeological resource survey. Its purpose is to determine whether an archaeological site is likely to be present or absent on a parcel, and based on that determination recommend whether or not to proceed with an archaeological resource survey.
- N. "Probability level" means ~~account~~ classification of property according to the probability of its having archaeological resources. The probability levels are low (~~zero to twenty percent~~), low-moderate (~~twenty to forty percent~~), moderate (~~forty to sixty percent~~), moderate-high (~~sixty to eighty percent~~), and high (~~eighty to one hundred percent~~), which are based on a combination of information from inventories and predictive models provided by DAHP, other agencies, tribal governments and local permit review. The probability levels ~~assigned to property~~ within the urban growth boundary of the city are generally shown on maps provided by Clark County Geographic Information Systems, identified in that map entitled "City of Camas Archaeological Probability, July 21, 2006."
- O. "Significant archaeological site" means an archaeological site which has been determined by a professional archaeologist to contain: (1) archaeological objects at a density of at least one hundred per cubic meter per stratigraphic or cultural unit; or (2) at least one feature; or (3) at least one relatively uncommon archaeological object; or (4) skeletal remains.
- P. "Survey" means archaeological resource survey.
- P.Q. "Tribes" means any federally recognized or other local Native American government organization which may consider the site to be of historic or cultural significance.

16.31.030 - COORDINATION.

- A. General. Where the provisions of this chapter conflict with each other or with other laws, ordinances, or programs, the more restrictive provisions shall apply.
- B. SMA. The provisions of this chapter shall apply throughout Camas, including areas regulated by the Shoreline Management Act (SMA) and the Camas Shoreline Master Program.
- C. SEPA. The regulations of the State Environmental Policy Act (SEPA) shall supplement the provisions of this chapter.
- D. Development Review. For projects subject to Title 18, Chapter 18.55 of the Camas Municipal Code, a determination that an application is complete shall not be made until any required predetermination has been completed and a predetermination report has been submitted.

16.31.040 - RECORDING.

Any archaeological site identified pursuant to the provisions of this chapter shall be recorded with DAHP.

16.31.050 - PERMIT REQUIRED.

A permit from DAHP shall be secured prior to digging, altering, excavating, and/or removing archaeological objects and sites or historic archaeological resources, or proposing to remove glyptic or painted records of tribes or peoples, or archaeological resources from native Indian cairns or graves (WAC 25-48-050).

16.31.060 - APPLICABILITY.

- A. The provisions of this chapter shall apply:
1. When any item of archaeological interest is discovered during the course of a permitted ground-disturbing action or activity (Section 16.31.150);
 2. When the director determines that reliable information indicates the possible existence of an archaeological site on a parcel for which an application for a permit or approval for a ground-disturbing action or activity has been submitted.
- B. The provisions of this chapter shall apply, except as provided in this section and in subsection C of this section, to all ground-disturbing actions or activities for which a permit or approval is required:
1. On all parcels in probability level high;
 2. On parcels of at least five acres in probability levels moderate-high and moderate;
 3. Regardless of parcel size or probability level, when proposed within one-fourth mile of a known, recorded archaeological site as measured on a horizontal plane extending in all directions. Such an action or activity may be exempted by the director, when appropriate, during the predetermination process due to the effects of a geographic barrier (Section 16.31.070(F)).
- C. The following shall not trigger or shall be exempted from the provisions of this chapter:
1. Accessory dwelling units;
 2. Land use permits issued under clear and objective standards, such as those for fences, sheds, decks, patios or driveways;
 3. Sign permits;
 4. Conditional use permits for a change in use only, not involving ground disturbance for structural modification;
 5. Zoning variance approvals;
 6. Ground-disturbing actions or activities which constitute normal maintenance and repair of existing structures and facilities; or
 7. Ground-disturbing actions or activities proposed in areas which the director determines to have been adequately surveyed and documented (as defined in Section 16.31.020) in the past and within which no archaeological resources have been discovered.
- D. When more than one probability level traverses a parcel, the entire parcel shall be considered to be within the level with the greatest probability rating.

16.31.070 — PREDETERMINATION REPORT REQUIRED.

- ~~A.~~ Predetermination reports shall be required for any nonexempt ground-disturbing action or activity for which a permit or approval is required for the following:
1. ~~Properties~~ within probability level high;
 - ~~2. B. — A predetermination shall be required for any nonexempt ground-disturbing action or activity for which a permit or approval is required and which is located o~~n a parcel of at least five acres within probability levels moderate-high and moderate-; or
 - ~~3. C. — A predetermination shall be required for all nonexempt ground-disturbing actions or activities for which a permit or approval is required which are proposed w~~Within one-fourth mile of a known, recorded archaeological site-;
- ~~D. B.~~ A predetermination shall be required when the director determines that reliable information indicates the possible existence of an archaeological site on a parcel for which an application for a permit or approval for a ground-disturbing action or activity has been submitted.

Commented [SF14]: Edits to this section were to eliminate the repetitive pretext of each sentence. No levels were modified.

- ~~E. C.~~ A predetermination shall be required when any item of archaeological interest is discovered during the course of a permitted ground-disturbing action or activity.
- ~~F. D.~~ During the predetermination process, the director will determine whether a ground-disturbing action or activity is exempt under Section 16.31.060(B)(3) or 16.31.060(C)(7) of this chapter. In the event that the director is able to make such a determination of exemption based solely upon background research (Section 16.31.080(C)), the city shall reduce the applicant's total fee obligation for the project by one-half of the predetermination fee.
- ~~G. E.~~ A predetermination shall not be performed when a survey is required under Section 16.31.110 of this chapter.
- ~~H. F.~~ The director may waive the requirement for a predetermination if the applicant chooses to provide a survey in accordance with Sections 16.31.110 and 16.31.130 of this chapter.

16.31.080 - PREDETERMINATION REPORT STANDARDS.

~~A predetermination report shall be completed to the high standard of quality which fulfills the purposes of this chapter.~~ Predeterminations shall include at a minimum the following elements ~~and be carried out according to the following standards:~~

- A. Predeterminations shall be performed by a qualified ~~or~~ professional archaeologist.
- ~~B. Predeterminations shall be performed to the high standard of quality which fulfills the purposes of this chapter.~~
- ~~C. B.~~ Background Research. A thorough review of records, documentation, maps, and other pertinent literature shall be performed.
- ~~D. C.~~ Surface Inspection. A visual inspection of the ground surface shall be completed when conditions yield at least fifty percent visibility.
- ~~E. D.~~ Subsurface Investigation. Subsurface investigation shall be performed when considered necessary by the archaeologist. When necessary, the following standards shall apply:
 1. Subsurface probes shall be no less than eight inches/twenty centimeters in diameter (twelve inches/thirty centimeters or more preferred) at the ground surface, and shall delve no less than twenty inches/fifty centimeters deep into natural soil deposits whenever possible.
 2. The most appropriate number of and locations for subsurface probes shall be determined by the archaeologist.
 3. All material excavated by subsurface probes shall be screened using both one-fourth inch and one-eighth inch hardware mesh cloths.

~~16.31.090—Predetermination reports. A report shall be completed for each predetermination to the high standard of quality which fulfills the purposes of this chapter and standardized guidelines furnished by the department. A completed report shall be submitted to DAHP as well as the city.~~

16.31.100 - ~~REVIEW OF~~ PREDETERMINATION REPORTS ~~AND~~ FURTHER ACTION-REVIEW

~~A. The~~ A report shall be completed for each predetermination to the high standard of quality which fulfills the purposes of this chapter and standardized guidelines furnished by the department. A completed report shall be submitted to DAHP, to the tribes, as well as the city. Refer to the tribal notification procedures in this chapter (Section 16.31.160). ~~Predetermination reports shall be reviewed by the director.~~

- B. Predetermination reports shall be reviewed by the director. When the director determines that a predetermination report is complete and adequate, the director shall, based upon the information contained in the report, determine whether an archaeological site is likely to exist.
- C. Where the director determines that an archaeological site is not likely to exist, the application may proceed through the remainder of the development review process.
- D. Where the director determines that an archaeological site is likely to exist, an archaeological resource survey shall be required and carried out in accordance with the provisions of this chapter.

16.31.110 - ARCHAEOLOGICAL RESOURCE SURVEY REQUIRED.

A survey shall be required when the results of a predetermination indicate further investigation is necessary and either:

- A. No previous survey has been done; or
- B. A previous survey or documentation is determined by the director to be inadequate.

16.31.120 - SURVEY STANDARDS.

Surveys shall include at a minimum the following elements and be carried out according to the following standards:

- A. Surveys shall be performed by a professional archaeologist.
- ~~B. Surveys shall be performed to the high standard of quality which fulfills the purposes of this chapter.~~
- ~~B.~~ Background Research. A thorough review of records, documentation, and other pertinent literature shall be performed.
- ~~D.~~ Surface Inspection. A systematic, one hundred percent visual inspection of the ground surface shall be completed when conditions yield at least fifty percent visibility.
- ~~E.~~ Subsurface Investigation. Subsurface investigation shall be performed when considered necessary by the archaeologist, utilizing the same standards set forth within CMC Section 16.31.080(E).

16.31.130 - SURVEY REPORTS.

A report shall be completed for each survey in accordance with state guidelines and to the high standard of quality which fulfills the purposes of this chapter. A completed report shall be submitted to DAHP, the tribes, as well as the city.

16.31.140 - REVIEW OF SURVEY REPORTS AND FURTHER ACTION.

- A. Survey reports shall be reviewed by the director.

- B. When the director determines that a survey report is complete and adequate, the director shall, based upon the information contained in the report, determine whether an archaeological site has been identified.
- C. Where the director determines that no archaeological site has been identified, the application may proceed through the remainder of the development review process.
- D. Where the director determines that an identified archaeological site is not likely to be significant, has been identified and is DAHP and the tribes concur, not likely to be significant, the application may proceed through the remainder of the development review process.
- E. Where the director determines that an archaeological site has been identified and is likely to be significant, archaeological resources shall be further evaluated, avoided, properly mitigated, or properly recovered in accordance with the director's recommendation and subject to state regulations.
- F. Priority for protection in-place and thorough evaluation and data recovery shall be given to significant archaeological sites. Bonding may be required to ensure that the site is treated in accordance with the director's recommendation and provisions of the state permit.
- G. The City will coordinate with the state if mMonitoring and future corrective measures may be required to ensure that an archaeological site is not degraded by a permitted development.

16.31.150 - DISCOVERY PRINCIPLE.

In the event that any item of archaeological interest is uncovered during the course of a permitted ground-disturbing action or activity:

- A. All ground-disturbing activity shall immediately cease.
- B. The applicant shall notify the department and DAHP.
- C. The applicant shall provide for a predetermination and a predetermination report prepared in accordance with the provisions of this chapter. The director shall review the report and issue a determination in accordance with Section 16.31.100 of this chapter in a reasonably diligent manner, taking into account all pertinent factors and conditions (within seven calendar days whenever feasible). Where such determination is that an archaeological site is not likely to exist, construction may continue. Where such determination is that an archaeological site is likely to exist, the applicant shall provide a survey and survey report. The director shall produce a map of the parcel indicating clearly the portion(s) of the parcel, if any, within which construction may continue under the supervision of an archaeologist and monitoring by the director while the required survey is being completed. The provisions of this section shall apply.
- D. In the event any archaeological or historic materials are encountered during project activity, work in the immediate area (initially allowing for a one hundred-foot buffer; this number may vary by circumstance) must stop and the following actions taken:
 - 1. Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering; and
 - 2. Take reasonable steps to ensure the confidentiality of the discovery site; and
 - 3. Take reasonable steps to restrict access to the site of discovery.
 - 4. The project proponent will notify the concerned tribes and all appropriate city, county, state, and federal agencies, including the Washington State Department of Archaeology and Historical Preservation (DAHP).
 - 5. The agencies and tribe(s) will discuss possible measures to remove or avoid cultural material, and will reach an agreement with the project proponent regarding action to be taken and disposition of material.

Commented [SF15]: No changes beyond formatting the paragraph into a numbered list and adding "DAHP".

6. If human remains are uncovered, appropriate law enforcement agencies shall be notified first, and the above steps followed. If the remains are determined to be native, consultation with the affected tribes will take place in order to mitigate the final disposition of said remains.

16.31.160 - NOTIFICATION TO TRIBES.

- A. Whenever a predetermination or survey is required, the applicant shall provide the tribes with a copy of the application and all supporting materials.
 1. ~~The submittal to the tribes must include city staff contact information. The report must also inform the tribes that any comments on the development must be received by the Director within fourteen days from the date that notification was mailed or electronic mailed ("email").~~
 2. ~~Reports may be sent~~ by certified mail, return receipt requested; ~~or by email.~~
 3. ~~For an application to be considered "technically complete", the applicant must and shall provide proof of compliance with this requirement mailing or emailing to the director.~~
- A-B. Comments from the tribes shall be accepted by the director until five p.m. on the fourteenth day from the date notification was mailed to the tribes. Should the fourteenth day fall on a nonbusiness day, the comment period shall be extended until five p.m. on the next business day.

16.31.170 - ENFORCEMENT.

The provisions of this chapter shall be enforced in accordance with the provisions of CMC Chapter 18.55 of this code.

CHAPTER 16.33 - PUBLIC VIEW, ~~&~~ OPEN SPACE PROTECTION ~~AND HISTORIC SITES AND STRUCTURES~~

Sections:

16.33.010 - PUBLIC VIEW, ~~&~~ OPEN SPACE PROTECTION ~~POLICIES AND HISTORIC SITES AND STRUCTURES.~~

- A. Policy Background.
 1. Camas has a magnificent natural setting of greenery, mountains, and water; visual amenities and opportunities are an integral part of the city's environmental quality.
 2. The city has developed particular sites for the public's enjoyment of views of mountains, water, open space networks and skyline and has many scenic routes and other public places where such views enhance one's experience.
 3. Obstruction of public views or open space networks may occur when a proposed structure is located in close proximity to the street property line, when development occurs on lots situated at the foot of a street that terminates or changes direction because of a shift in the street grid pattern,

when buildings are built on a ridge line, or when development along a street creates a continuous wall separating the street from the view.

4. As part of the city's character, it is important to preserve sites and structures which reflect significant elements of the city's historic heritage and to designate and regulate such sites and structures as historic landmarks.
5. Adopted land use regulations attempt to protect private views through height and bulk controls and other zoning regulations but it is impractical to protect private views through project-specific review.

B. Policies.

1. It is the city's policy to protect public views of the following significant natural and human-made features as viewed from public rights of way, public open spaces and water bodies, public trails and parks, or land that is planned for inclusion in the Open Space Network as identified in the City of Camas Park, Recreation and Open Space Comprehensive Plan (as currently adopted):

a) Mount Hood; and major bodies of water including

b) The Columbia River;

c) Lacamas Lake; and

d) the Washougal River; and

e) The natural backdrop of Lacamas Lake and the Washougal River.

~~These include public places consisting of viewpoints, parks, scenic routes, and view corridors identified in the comprehensive plan and the comprehensive park and recreation plan.~~

3. It is the city's policy to protect public views of historic sites or landmarks designated by the city or identified in the review process which, because of their prominence of location or contrasts or siting, age, or scale, are easily identifiable visual features of their neighborhood or the city and contribute to the distinctive quality or identity of their neighborhood or the city.
4. A proposed project may be conditioned or denied to mitigate view impacts.
5. Mitigating measures may include, but are not limited to:
 - a. Requiring a change in the height of development;
 - b. Requiring a change in the bulk of the development;
 - c. Requiring a redesign of the profile of the development;
 - d. Requiring on-site view corridors or requiring enhancements to off-site view corridors;
 - e. Relocating the project on the site;
 - f. Requiring a reduction or re-arrangement of walls, fences, or plant material; and
 - g. Requiring a reduction or rearrangement of accessory structures including, but not limited to, tower railings and antennae.

C. Visual Analysis Required.

1. A view analysis must be submitted when a proposed development is likely to impact the public views of areas identified under Subsection B of this chapter.
2. All visual analyses are to be performed by a qualified Landscape Architect.
3. The visual analysis will assess both positive and negative visual impacts.
4. The supporting documentation must include a minimum of two views for consideration: the view from the development to the public view, and the view toward the development.

~~16.33.015 ARCHAEOLOGICAL RESOURCES~~

~~A. Policy Background.~~

- ~~1. The city has sites containing objects of archaeological and historical significance.~~
- ~~2. The discovery, identification, excavation, preservation and study of archaeological resources, the inventorying of archaeological sites and collections, and the providing of information to state, federal and private construction agencies regarding the impact of construction activities on archaeological resources are public functions, and the city is an appropriate agency to assist in the carrying out of these functions.~~
- ~~3. The conversion of undeveloped lands into residential, commercial and industrial uses may result in the destruction of archaeological resources.~~
- ~~4. Development of land should be regulated to mitigate adverse impacts to archaeological resources.~~

~~B. Policies.~~

- ~~1. It is the city's policy to identify, inventory and preserve archaeological resources and archaeological sites located within the city.~~
- ~~2. Whenever a development proposal contains a known or suspected archaeological site, the responsible officials shall assess the probable effect of the impact and the need for mitigating measures.~~
- ~~3. Whenever the responsible official determines that a development project may contain an archaeological site or may adversely impact a known archaeological site, the proponent may be required to retain the services of a qualified professional archaeologist to assess the impact of the development, and to propose such mitigating measures as may be necessary.~~
- ~~4. The responsible official shall notify the Washington State Office of Archaeology and Historic Preservation, Department of Community Development, of any development activity that may adversely impact a recognized or suspected archaeological site.~~
- ~~5. If the responsible official makes a written finding that a development project will adversely impact an archaeological site, then the responsible official may condition or deny the development project to minimize such adverse impact.~~
- ~~6. Mitigation measures may include:
 - ~~a. Reduction in size or scope of the project;~~
 - ~~b. Requiring the implementation of mitigation measures as recommended by a professional archaeologist;~~
 - ~~c. Requiring compliance with any permits or conditions as may be imposed or recommended by the Washington State Office of Archaeology and Historic Preservation.~~~~
- ~~7. If archaeological resources are discovered on a development site after approval of the development by the city without the imposition of appropriate mitigation measures, then the responsible official may issue an order to cease and desist all development activity in the affected area until such time as an appropriate archaeological resources assessment can be undertaken and mitigating measures, if necessary, implemented.~~

~~16.33.020 TRAFFIC AND TRANSPORTATION~~

~~A. Policy Background.~~

- ~~1. Excessive traffic can adversely affect the stability, safety and character of Camas' neighborhoods and downtown.~~

Commented [SF16]: Redundant. Moved the relevant policies to Chapter 16.31 Archaeological Resources

Commented [SF17]: These transportation policies can be found in the city's comprehensive plan or in Chapter 17.19.

- ~~2. Substantial traffic volumes associated with major projects may adversely impact surrounding areas.~~
- ~~3. Individual projects may create adverse impacts on transportation facilities which service such projects. Such impacts may result in a need for turn channelization, right-of-way dedication, street widening, or other improvements including traffic signalization.~~

~~B. Policies.~~

- ~~1. Minimize or prevent adverse traffic impacts that would undermine the stability, safety and/or character of downtown, a neighborhood, or surrounding areas.~~
- ~~2. In determining the necessary traffic and transportation impact mitigation, the responsible official shall examine the expected peak traffic and circulation pattern of the proposed project weighed against such factors as the availability of public transit; existing vehicular and pedestrian traffic conditions; accident history; the trend in local area development; parking characteristics of the immediate area; the use of the street as determined by the city and the availability of goods, services and recreation with reasonable walking or biking distance.~~
- ~~3. Mitigating measures which may be applied to projects may include, but are not limited to:
 - ~~a. Changes in access;~~
 - ~~b. Changes in the location, number and size of curb cuts and driveways;~~
 - ~~c. Provision of transit incentives including transit pass subsidies;~~
 - ~~d. Bicycle parking;~~
 - ~~e. Signage;~~
 - ~~f. Improvements to pedestrian and vehicular traffic operations including signalization, turn channelization, right-of-way dedication, street widening, or other improvements proportionate to the impacts of the project; and~~
 - ~~g. Transportation management plans.~~~~
- ~~4. For projects which result in adverse impacts, the responsible official may reduce the size and/or scale of the project if the responsible official determines that the traffic improvements outlined under the above paragraph would not be adequate to effectively mitigate the adverse impacts of the project.~~

~~16.33.030 GROUND AND SURFACE WATER QUALITY.~~

~~A. Policy Background.~~

- ~~1. Camas' water quality is adversely affected primarily dumping of pollutants and drainage-related sewage overflows into its lakes, streams, creeks, and other systems draining into the Washougal and Columbia Rivers.~~
- ~~2. Camas' water quality is also adversely affected by storm drainage runoff; nonpoint source discharges from streets, parking lots and other impervious surfaces; and construction site runoff.~~
- ~~3. Federal, state and regional water quality regulations and programs cannot always anticipate or eliminate adverse impacts to water quality.~~

~~B. Policies.~~

- ~~1. It is the city's policy to minimize or prevent adverse water quality impacts.~~
- ~~2. For any project proposal which poses a potential threat to water quality in Camas, the responsible official shall assess the probable effect of the impact and the need for mitigating measures. The~~

~~assessment shall be completed in consultation with appropriate agencies with water quality expertise.~~

- ~~3. If the responsible official makes a written finding that the applicable federal, state and regional regulations did not anticipate or are inadequate to address the particular impact(s) of the project, the responsible official may condition or deny the project to mitigate its adverse impacts.~~
- ~~4. Mitigating measures may include, but are not limited to:
 - a. Use of an alternative technology;
 - b. Reduction in the size or scope of the project or operation;
 - c. Landscaping; and
 - d. Limits on the time and duration of the project or operation.~~

16.33.040 - PUBLIC FACILITIES.

A. Policy Background.

- ~~1. A single development though otherwise consistent with zoning regulations, may create excessive demands upon existing public services and facilities. "Public services and facilities" in this context includes facilities such as sewers, storm drains, solid waste disposal facilities, parks, schools, police and fire facilities, and streets and services such as transit, solid waste collection, public health services, and police and fire protection, provided by either a public or private entity.~~

B. Policies.

- ~~1. It is the city's policy to minimize or prevent adverse impacts to existing public services and facilities.~~
- ~~2. The responsible official may require as part of the environmental review of a project, a reasonable assessment present and planned condition and capacity of public services and facilities to serve the area affected by the proposal.~~
- ~~3. Based upon such analyses, a project which would result adverse impacts on existing public services and facilities may be conditioned or denied to lessen its demand for services and facilities, or required to improve or add services and/or facilities to meet demand caused by the project.~~

CHAPTER 16.35 - HISTORIC PRESERVATION

16.35.010 - PURPOSE.

The purpose of this chapter is to provide for the identification, evaluation and protection of cultural and historic resources in the city and to encourage the preservation, restoration and rehabilitation of these resources for future generations in order to:

- A. Safeguard the heritage of Camas as represented by those buildings, districts, objects, sites and structures which reflect significant elements of the city's history;
- B. Increase recognition of Camas' cultural and historic resources;
- C. Foster a sense of identity based upon the city's history;
- D. Assist, encourage and provide incentives to property owners for preservation, restoration and reuse of significant buildings, districts, objects, sites and structures; and

- E. Promote and facilitate the early identification and resolution of conflicts between preservation of cultural and historic resources and alternative land uses.

16.35.020 - APPLICABILITY.

This chapter applies to:

- A. Property(ies) within the city listed or eligible to be listed on any historic or cultural resource inventory for Clark County;
- B. Property(ies) within the city listed or eligible to be listed on the National Register of Historic Places, Washington State Heritage Register, Clark County Heritage Register or other local register for Clark County.

16.35.030 - DEFINITIONS.

In addition to those definitions listed in CMC Chapter 18.03, the following terms when used in this chapter shall mean as follows, unless a different meaning clearly appears from the context:

1. "Board" shall refer to the ~~Clark County board of commissioners~~Board of County Councilors, except where reference is made to the "local review board" for purposes of the special valuation tax incentive program.
2. "Clark County cultural resources inventory" or "inventory" means a comprehensive inventory of historic resources within the boundaries of Clark County including resources identified in the Clark County cultural resources inventory and other inventories by local jurisdictions within Clark County.
3. "Commission" means the "Clark County ~~historic—Historic preservation—Preservation~~commissionCommission."
4. "Contributing" means a property which dates to the historic period and retains sufficient physical integrity so as to convey its historic character.
5. "Cultural resources" consist of historic or prehistoric or archaeological sites and standing structures, cemeteries, burial grounds and funerary objects and distributions of cultural remains and artifacts.
6. "Emergency repair" means work necessary to prevent destruction or dilapidation to real property or structural appurtenances thereto immediately threatened or damaged by fire, flood, earthquake or other disaster.
- ~~6-7.~~ "Historic district" is a geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development.
- ~~6-8.~~ "National Register of Historic Places" means the national listing of properties significant to our cultural history because of their documented importance to our history, architectural history, engineering or cultural heritage.
- ~~6-9.~~ "Noncontributing" means a property which either does not date to the historic period or has not retained sufficient physical integrity so as to convey its historic character.
- ~~6-10.~~ "Ordinary repair and maintenance" means work for which a permit issued by the city is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structure appurtenance therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay or damage.
- ~~6-11.~~ "Qualified archaeologist" means a person who has had formal training and/or experience in archaeology over a period of at least three years, and has been certified in writing to be a qualified archaeologist by two professional archaeologists, as defined in RCW 27.53.030.

7.12. "Significance" shall refer to a quality of a property which helps one understand the history of the local area, state, or nation by illuminating the local, statewide or nationwide impact of the events or persons associated with the property, or its architectural type or style in information potential. The local area may be as large as Clark County or Southwest Washington, or as small as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to one or more localities; state significance to a theme important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.

13. "Special valuation tax incentive program" or "special valuation" means the local option program, ~~which makes~~ available to property owners a special tax valuation for rehabilitation of historic property(ies). ~~This program allows under which~~ the assessed value of an eligible historic property ~~is to be determined based on~~ at a rate that excludes, for up to ten years, the actual cost of the rehabilitation.

8.14. "Washington Heritage Register" means the state listing of properties significant to the community, state or nation but which do not meet the criteria of the National Register of Historic Places.

16.35.040 - CLARK COUNTY HISTORIC PRESERVATION COMMISSION.

- A. Authority. The Clark County historic preservation commission shall serve as the review authority on matters of historic preservation as outlined in subsection C of this section for properties within the city of Camas.
- B. Composition of the Commission. Appointments to the commission shall be made by the ~~Clark County board of commissioners~~ Board of County Councilors. All members shall be selected based on the professional or demonstrated expertise criteria (CCC Section 18.328.040(B)), rather than by geographic distribution.

Commented [SF18]: Previously called the **Board of County Commissioners**, the panel became the Board of County Councilors Jan. 1, 2015 under a home rule charter approved by voters in November 2014. The three-member council expanded Jan. 1, 2016 to five members, including an elected chair and a fourth councilor elected at the district level.

16.35.050 - NATIONAL REGISTER OF HISTORIC PLACES.

- A. Nominations to the National Register of Historic Places shall be reviewed as established in the Code of Federal Regulations (36 CFR 60).
- B. The commission shall hold a duly advertised public hearing at a regularly scheduled meeting at which the applicable criteria are reviewed and a recommendation forwarded to the State Department of Archaeology and Historic Preservation (DAHP) within sixty days of the date of application. The ~~QAHP~~ DAHP shall complete the designation process and notify the applicant of the designation decision.

16.35.060 - CLARK COUNTY HERITAGE REGISTER.

- B. Nominating, Designating and Listing Property(ies) or Districts to the local Clark County Heritage Register.

16.35.100 - CLARK COUNTY CULTURAL RESOURCES INVENTORY.

- A. Purpose of the Inventory. The Clark County cultural resources inventory is a tool for planning and research, and includes those resources believed to have cultural or historic significance for the City, the Clark County, the region, or the nation, regardless of current ownership.

CRITICAL AREAS

CHAPTER 16.51 - GENERAL PROVISIONS FOR CRITICAL AREAS

16.51.090 - APPLICABILITY.

~~Land proposals~~The following proposed activities below are subject to the criteria, guidelines, report requirements, conditions, and performance standards in this title:

- A. Binding site plan;
- B. Blasting permits;
- C. Commercial development;
- D. Conditional use permit;
- E. Light industrial or industrial development;
- F. Planned residential development;
- G. Short plat;
- H. Subdivision;

~~I. Shoreline substantial development permit;~~

~~J. Any grading, filling, or clearing of land, or logging or removal of timber on land characterized in a critical area described in CMC Section 16.51.070(A); and~~

~~K. Other activities as specified within this title.~~

Commented [SF19]: Developments proposed within shoreline management areas are governed by the Camas Shoreline Master Program, which has critical area regulations specific to those areas.

16.51.120 - ALLOWED ACTIVITIES.

- A. Critical Area Report not ~~Required~~required. Activities which have been reviewed and permitted or approved by the city, or other agency with jurisdiction, for impacts to critical or sensitive areas, do not require submittal of a new critical area report or application under this chapter, unless such submittal was required previously for the underlying permit.
- B. Required Use of Best Management Practices. All allowed activities shall be conducted using the best management practices, adopted pursuant to other provisions contained in this code, that result in the least amount of impact to the critical areas. Best management practices shall be used for tree and vegetation protection, construction management, erosion and sedimentation control, water quality protection, and regulation of chemical applications. The city shall monitor the use of best management practices to ensure that the activity does not result in degradation to the critical area. Any incidental damage to, or alteration of, a critical area shall be restored, rehabilitated, or replaced at the responsible party's expense.
- C. Allowed Activities. The following activities are allowed:
 - 1. Permit Requests Subsequent to Previous Critical Area Review. Development permits and approvals that involve both discretionary land use approvals (such as subdivisions, rezones, or conditional use permits) and construction approvals (such as building permits) if all of the following conditions have been met:
 - a. There have been no material changes in the potential impact to the critical area or management zone since the prior review,
 - b. There is no new information available that is applicable to any critical area review of the site or particular critical area,

- c. ~~The permit or approval has not expired or, if no expiration date, n~~No more than five years has elapsed since the issuance of ~~that the~~ permit or approval, and
 - d. Compliance with any standards or conditions placed upon the prior permit or approval has been achieved or secured;
2. Modification to Existing Structures. Structural modifications, additions to, or replacement of an existing legally constructed structure that does not further alter or increase the impact to the critical area or management zone, and where there is no increased risk to life or property as a result of the proposed modification or replacement, provided that restoration of structures substantially damaged by fire, flood, or act of nature must be initiated within one year of the date of such damage, as evidenced by the issuance of a valid building permit, and diligently pursued to completion;
 3. Activities Within the Improved Right-of-Way. Replacement, installation, or construction of utility facilities, lines, pipes, mains, equipment, or appurtenances, not including substations, when such facilities are located within the improved portion of the public right-of-way or a city-authorized private roadway, except those activities that alter a wetland or watercourse, such as culverts or bridges, or results in the transport of sediment or increased stormwater;
 4. Public and Private Pedestrian Trails.
 - a. Existing public and private trails established consistent with the city of Camas parks and open space plan may be maintained, replaced, or extended, provided there is no increase in the impact to the critical area or management zone.
 - b. Other public and private pedestrian trails, except in wetlands, fish and wildlife habitat conservation areas, or their management zones, subject to the following:
 - i. The trail surface shall meet all other requirements including water quality standards set forth in the city of Camas Design Standards Manual,
 - ii. Critical area and/or management zone widths shall be increased, where possible, equal to the width of the trail corridor, including disturbed areas, and
 - iii. Trails proposed to be located in landslide or erosion hazard areas shall be constructed in a manner that does not increase the risk of landslide or erosion, and in accordance with an approved geotechnical report;
 5. Selective Vegetation Removal Activities. The following vegetation removal activities are allowed without a permit:
 - a. The removal of invasive plant species including Himalayan blackberry (*Rubus discolor*, *R. procerus*), Evergreen blackberry (*Rubus laciniatus*), English Ivy as well as any other noxious weed or invasive plant species acknowledged by the city. Tree topping is prohibited.
 - b. Invasive plant removal must be performed with hand labor and light equipment (e.g., push mowers, powered trimmers, etc.).
 - c. Measures to control a fire or halt the spread of disease or damaging insects consistent with the State Forest Practices Act; Chapter 76.09 RCW, and Camas fire department requirements; provided, that the removed vegetation shall be replaced in-kind or with similar native species within one year in accordance with an approved restoration plan;
 - 6d. Chemical Applications. The application of herbicides, pesticides, organic or mineral-derived fertilizers, or other hazardous substances, provided that their use shall be restricted in accordance with Department of Fish and Wildlife Management Recommendations, and the regulations of the Department of Agriculture and the U.S. Environmental Protection Agency;*
 - 7e. Minor Site Investigative Work. Work necessary for land use submittals, such as surveys, soil logs, percolation tests, and other related activities, where such activities do not require construction of new roads or significant amounts of excavation. In every case, impacts to the critical area shall be minimized and disturbed areas shall be immediately restored; and

Commented [SF20]: Many site plan permits expire within 2 years. It seems excessive to require new critical area reports in such a short time.

- 8f. Navigational Aids and Boundary Markers. Construction or modification of navigational aids and boundary markers.

16.51.125 VEGETATION REMOVAL PERMIT

A. Vegetation and tree removal from a critical area or its management zone must be approved by the Director, ~~and~~ An application must include the following information:

1. The applicant must submit a report from a certified arborist, ~~registered landscape architect,~~ or professional forester that documents the hazard and provides a pruning plan or replanting schedule plan for the replacement trees and vegetation. Report must be prepared by a professional unaffiliated with the company proposing to remove the tree(s).

2. Tree cutting/pruning is preferred over felling. Pruning includes shall be limited to the removal of a hazardous branch; crown thinning or crown reduction/limbing and crown thinning. ~~When limbing or crown thinning/pruning is not insufficient to address the hazard, unless otherwise then trees should be topped to removed as justified by a qualified professional. the hazard rather than cut at or near the base of the tree.~~

a. Tree topping is prohibited. Topping is the cutting of tree branches to stubs or to lateral branches that are not large enough to assume the terminal role.

b. Reduction. Reduction reduces the size of a tree, often for utility line clearance. Reducing a tree's spread is best accomplished by pruning back the leaders and branch terminals to secondary branches that are large enough to assume the terminal roles. Compared to topping, reduction helps maintain the form and structural integrity of the tree.

a-c. Crown cleaning and thinning. Proper pruning opens the foliage of a tree, reduces weight on heavy limbs, removes dead branches, and helps retain the tree's natural shape and height.

iiiB. Mitigation Required. The landowner shall replace any trees that are felled ~~or topped~~ with new trees at a ratio of two replacement trees for each tree felled ~~or topped~~ within one year in accordance with an approved restoration plan.

1. Tree species that are native and indigenous to the site and a minimum caliper of two inches shall be used.

2. If a tree to be removed provides critical habitat, such as an eagle perch, a qualified wildlife biologist shall be consulted to determine timing and methods of removal that will minimize impacts.

C. v. Hazard trees determined to pose an imminent threat or danger to public health or safety, or to public or private property, or serious environmental degradation, may be removed ~~or topped~~ by the landowner prior to receiving written approval from the city; provided, that within fourteen days following such action, the landowner shall submit a proof of hazard (e.g. photos) together with a restoration plan that demonstrates compliance with these provisions, ~~.~~

Commented [SF21]: •Tree topping is not a justifiable pruning practice per ISA.
•It increases tree health problems and is aesthetically unappealing
•A topped tree will require constant maintenance and has an increased potential to become hazardous
•Hazardous trees are a liability and ultimately the property owner is responsible for any damage hazard trees cause
•Certified arborists and other legitimate landscape professionals do not practice tree topping
•There are acceptable pruning techniques designed to keep trees away from power lines and other structures
•If problems caused by a tree **cannot** be solved through acceptable management practices, the tree should be removed and replaced with plant material more appropriate for the site

Commented [SF22]: These definitions are borrowed from ISA and were shortened from their original versions after discussion with Planning Commission at the workshop in November.

16.51.130 - REVIEW REQUIRED.

Mapping. The approximate location and extent of critical areas are shown on ~~the adopted~~ critical area maps that are provided by interlocal contract by the Clark County Geographic Information Systems (a.k.a. "Maps Online"). These maps are to be used as a guide for the city, project applicants, and/or property owners, and may be continually updated as new critical areas are identified. They are a reference and do not provide a final critical area designation or delineation. If the proposed activity is within, adjacent to (within 200 feet), or is likely to impact a critical area, the city shall require a critical area report from the applicant that has been prepared by a qualified professional. If the report concludes that there is a critical area present then the city of Camas shall:

- A. Review and evaluate the critical area report;

- B. Determine whether the development proposal conforms to the purposes and performance standards of these provisions;
- C. Assess potential impacts to the critical area and determine if they are necessary and unavoidable; and
- D. Determine if any mitigation proposed by the applicant is sufficient to protect the functions and values of the critical area and public health, safety, and welfare concerns consistent with the goals, purposes, objectives, and requirements of these provisions.

16.51.210 - CRITICAL AREA MARKERS, SIGNS AND FENCING.

- A. Temporary Markers. The outer perimeter of the management zones and/or critical areas ~~may be required~~ must to be marked in the field in such a way as to ensure that no unauthorized intrusion will occur, and verified by the director prior to the commencement of permitted activities. This temporary marking, ~~if required,~~ shall be maintained throughout construction, and shall not be removed until installation of permanent signs, if required, are in place or final city approval is granted.
- B. Permanent Signs. The city may require, as a condition of any permit or authorization issued pursuant to this chapter, that the applicant install permanent signs along the boundary of a critical area or management zone to city standards.
- C. ~~Fencing. The director may condition any permit or authorization issued pursuant to this chapter to require the applicant to install~~ ation of a permanent fence to city specifications at the edge of the habitat conservation area or management zone ~~is required, when, in the opinion of the city,~~
 - 1. Fencing may be waived in the following circumstances:
 - a. The applicant demonstrates that fencing will ~~not reasonably~~ prevent future impacts to the habitat conservation area.
 - b. The director determines that a proposed use adjoining the buffer does not pose a threat to the critical area and buffer functions, or there is a public safety issue.
 - 2. Fencing installed as part of a proposed activity shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed 42-inches high and in a manner that minimizes habitat impacts. Approved fencing styles include: vinyl coated chain link, wooden split rail, or similar, as approved by the city.

Commented [SF23]: This requirement is consistently a SEPA mitigation measure. Making fencing a requirement would eliminate the need to use SEPA authority.

Commented [SF24]: Modifications were made to this section per SEPA Comment by Joe Turner, in order to not contradict fencing allowed in wetland areas at **Section 16.53.040.**

WETLANDS

CHAPTER 16.53 - WETLANDS

16.53.040 - STANDARDS.

A. Activities and uses shall be prohibited from wetlands and wetland buffers, except as provided for in this chapter.

B. Wetland Buffers.

3. Where a residential plat ~~and subdivisions~~ is proposed ~~within shoreline jurisdiction~~, wetlands and wetland buffers shall be placed within a non-buildable tract. Refer to density transfer options within CMC Chapter 18.09 Density and Dimensions, if lot dimensions are reduced below minimum standards, unless creation of a tract would result in violation of minimum lot depth standards.

4. Adjusted Buffer Width ~~in Shoreline Jurisdiction~~.

- a. Adjustments Authorized by Wetland Permits. Adjustments to the required buffer width are authorized by Section 16.53.050(D) of this section upon issuance of a wetland permit.
- b. Functionally Isolated Buffer Areas. Areas which are functionally separated from a wetland and do not protect the wetland from adverse impacts shall be treated as follows:
 - i. Preexisting roads, structures, or vertical separation shall be excluded from buffers otherwise required by this chapter;
 - ii. Distinct portions of wetlands with reduced habitat functions that are components of wetlands with an overall habitat rating score greater than five points shall not be subject to the habitat function buffers designated in Tables 16.53.040-2 and 16.53.040-3 if all of the following criteria are met:
 - (A) The area of reduced habitat function is at least one acre in size;
 - (B) The area does not meet any WDFW priority habitat or species criteria; and
 - (C) The required habitat function buffer is provided for all portions of the wetland that do not have reduced habitat function.
 - (D) The buffer reduction afforded by this subsection shall not exceed seventy-five percent of the required buffer width of Category I and II wetlands.

C. Standard Requirements. Any action granting or approving a development permit application shall be conditioned on all the following:

1. ~~Temporary Marking Buffer During Construction~~. The location of the outer extent of the wetland buffer shall be marked in the field and such markings shall be maintained throughout the duration of ~~the permit review and construction~~.

2. Permanent Marking of Buffer Area. A permanent physical demarcation of fencing and signs along the upland boundary of the wetland buffer area shall be installed and ~~thereafter perpetually~~ maintained.

a. Fencing ~~Such demarcation may~~ must consist of logs, a tree or hedge row, be 42-inches high continuous fencing, which is vinyl coated chain link, wooden split rail, or similar, as approved by the city or other prominent physical marking approved by the responsible official. In addition, signs

b. Signs must measure ~~small twelve inch (12") by eighteen inch (18")~~ and shall be posted on a six foot high green steel post at an interval of one per lot. If demarcation is along a tract boundary without lots, then place signs at an interval of ~~or~~ every one hundred feet, whichever is less, ~~and Signs must be perpetually maintained at locations along the outer~~

Commented [SF25]: The preceding subsection 1, 2 and the Tables are not being proposed to be modified or amended. Keep those sections as adopted.

Commented [SF26]: Modified to be consistent with Section 16.51.210, in response to SEPA Comments from Joe Turner.

~~perimeter of the wetland buffer as approved by the responsible official, and~~ worded substantially as follows: **Wetland and Buffer Area—Please Retain in a natural state.**

c. Fencing may be waived in the following circumstances:

i. The applicant demonstrates that fencing will ~~not reasonably~~ prevent future impacts to the ~~habitat conservation~~ wetland and buffer area.

ii. The director determines that a proposed use adjoining the buffer does not pose a threat to the critical area and buffer functions, or there is a public safety issue.

3. A conservation covenant shall be recorded in a form approved by the city as adequate to incorporate the other restrictions of this section and to give notice of the requirement to obtain a wetland permit prior to engaging in regulated activities within a wetland or its buffer.
4. In the case of plats, short plats, and recorded site plans, include on the face of such instrument the boundary of the wetland and its buffer, and a reference to the separately recorded conservation covenant provided for in subsection (C)(3) of this section.
- D. Standard Requirements—Waivers. The responsible official shall waive the requirements of Section 16.53.030(D) and subsection B of this section in certain cases described below if the applicant designates development envelopes which are clearly outside of any wetland or buffer. The responsible official may require partial wetland delineation to the extent necessary to ensure eligibility for this waiver:
 1. Residential building permits and home businesses;
 2. Site plan reviews where the responsible official determines that all development is clearly separated from the wetlands and wetland buffers:
 - a. Development envelopes shall be required for a fully complete preliminary application;
 - b. Development envelopes shall be shown on the final site plan; and
 - c. A note referencing the development envelopes shall be placed on the final site plan.

16.53.050 - WETLAND PERMITS.

D. STANDARDS—WETLAND ACTIVITIES. THE FOLLOWING ADDITIONAL STANDARDS APPLY TO THE APPROVAL OF ALL ACTIVITIES PERMITTED WITHIN WETLANDS UNDER THIS SECTION

5. Alternate Wetland Mitigation.

...

~~6. Stormwater Facilities in Shoreline Jurisdiction. Stormwater facilities shall follow the specific criteria in the [Shoreline Master] Program, Chapter 6 at Section 6.3.15, Utilities Uses.~~

~~7. Utility Crossings. Crossing wetlands by utilities is allowed, provided the activity is not prohibited by subsection (D)(1) of this section, and provided all the following conditions are met:~~

- a. The activity does not result in a decrease in wetland acreage or classification;
- b. The activity results in no more than a short-term six-month decrease in wetland functions; and
- c. Impacts to the wetland are minimized.

~~8. Other Activities Allowed in a Wetland. Activities not involving stormwater management, utility crossings, or wetland mitigation are allowed in a wetland, provided the activity is not prohibited~~

by subsection (D)(1) of this section and if it is not subject to a shoreline permit as listed in Chapter 2 of the [Shoreline Master] Program, and provided all the following conditions are met:

- a. The activity shall not result in a reduction of wetland acreage or function; and
- b. The activity is temporary and shall cease or be completed within three months of the date the activity begins.

CHAPTER 16.61 - FISH AND WILDLIFE HABITAT CONSERVATION AREAS

16.61.040 - PERFORMANCE STANDARDS—SPECIFIC HABITATS.

- A. Endangered, Threatened, and Sensitive Species.
 1. No development shall be allowed within a habitat conservation area or buffer with which state or federally listed endangered, threatened, or sensitive species have a documented presence.
 2. Activities proposed adjacent to a habitat conservation area with which state or federally listed endangered, threatened, or sensitive species have a documented presence shall be protected through the application of protection measures in accordance with a critical area report prepared by a qualified professional and approved by the city of Camas. Approval for alteration of land adjacent to the habitat conservation area or its buffer shall include consultation with the Department of Fish and Wildlife and the appropriate federal agency.
- B. Anadromous Fish.
 1. All activities, uses, and alterations proposed to be located in water bodies used by anadromous fish or in areas that affect such water bodies shall give special consideration to the preservation and enhancement of anadromous fish habitat, including, but not limited to, adhering to the following standards:
 - a. Activities shall be timed to occur only during the allowable work window as designated by the Department of Fish and Wildlife for the applicable species;
 - b. An alternative alignment or location for the activity is not feasible;
 - c. The activity is designed so that it will not degrade the functions or values of the fish habitat or other critical areas; and
 - d. Any impacts to the functions or values of the habitat conservation area are mitigated in accordance with an approved critical area report.
 2. Structures that prevent the migration of salmonids shall not be allowed in the portion of water bodies used by anadromous fish. Fish bypass facilities shall be provided that allow the upstream migration of adult fish, and shall prevent fry and juveniles migrating downstream from being trapped or harmed.
 3. Fills may only intrude into water bodies used by anadromous fish when ~~consistent with the Camas shoreline master program, and~~ the applicant demonstrates that the fill is for a water-dependent use that is in the public interest.
- C. Wetland Habitats. All proposed activities within or adjacent to habitat conservation areas containing wetlands shall, at a minimum, conform to the wetland development performance standards set forth in Chapter 16.53, Wetlands.
- D. Stream Buffer Widths. Stream buffers are established for habitats that include aquatic systems. Unless otherwise allowed in this title, all structures and activities shall be located outside of the stream buffer area.

Commented [SF27]: SEPA comment from Joe Turner asked if the term "development activity" (note: "activity" had been added) was defined separately from "development"? Staff is unsure what prompted this change and has withdrawn the change based on this comment.

The following base stream buffer widths are based upon the Washington Department of Natural Resources (DNR) Water Typing System and further classification based upon fish presence (Fish bearing v. Non-fish Bearing) for Type F streams existing in the city of Camas. Widths shall be measured outward, on the horizontal plane, from the ordinary high water mark, or from the top of bank if the ordinary high water mark cannot be identified. Buffer areas should be sufficiently wide to achieve the full range of riparian and aquatic ecosystem functions, which include but are not limited to protection of instream fish habitat through control of temperature and sedimentation in streams, preservation of fish and wildlife habitat, and connection of riparian wildlife habitat to other habitats.

STREAM BUFFER WIDTHS

| Stream Type | Base Buffer Width |
|---|--------------------------|
| Type S | 150 feet |
| Type F, anadromous fish-bearing stream flowing to reaches with anadromous fish-bearing access | 100 feet |
| Type F, anadromous fish-bearing stream flowing to reaches without anadromous fish-bearing access | 75 feet |
| Type F, non-anadromous fish-bearing stream | 75 feet |
| Type Np | 50 feet |
| Type Ns | 25 feet |

1. Increased Stream Buffer Area Widths. The base stream buffer width may be increased, as follows:
 - a. When the city determines that the base width is insufficient to prevent habitat degradation, and to protect the structure and functions of the habitat area; and
 - b. When the habitat area is within an erosion or landslide hazard area, or buffer, the stream buffer area shall be the base width, or the erosion or landslide hazard area or buffer, whichever is greater.
2. Stream Buffer Area Reduction and Averaging. 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;
 - b. The stream buffer area width is not reduced by more than fifty percent in any one location;
 - c. The stream buffer area width is not reduced to less 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;
 - e. All undeveloped lands within the area will be left undeveloped in perpetuity by covenant, deed restriction, easement, or other legally binding mechanism;
 - 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
 - g. The city will use the recommendations of the qualified experts in making a decision on a plan that uses buffer averaging.

3. Stream Buffer Mitigation. Mitigation of adverse impacts to stream buffer areas shall result in equivalent functions and values, on a per function basis, and be located in the same drainage basin as the habitat impacted.
 4. Alternative Mitigation for Stream Buffer Areas. The requirements set forth in this section may be modified at the city-of Camas's discretion if the applicant demonstrates that greater habitat functions, on a per function basis, can be obtained in the affected drainage basin as a result of alternative mitigation measures.
- E. Stream Buffer Areas, Ponds, Lakes, and Waters of the State. The following specific activities may be permitted within a stream buffer area, ponds, lake, and water of the state, or associated buffer when the activity complies with the provisions set forth in the city of Camas shoreline master program, and subject to the following standards:
1. Clearing and Grading. When clearing and grading is permitted as part of an authorized activity, or as otherwise allowed in these standards, the following shall apply:
 - a. Grading is allowed only during the dry season, which is typically regarded as beginning on May 1st and ending on October 1st of each year, provided that the city of Camas may extend or shorten the dry season on a case-by-case basis.
 - b. Filling or modification of a wetland or wetland buffer is permitted only if it is conducted as part of an approved wetland alteration.
 - c. Erosion and sediment control that meets or exceeds the standards set forth in the city of Camas Design Standards Manual shall be provided.
 2. Streambank Stabilization. Streambank stabilization to protect new structures from future channel migration is not permitted except when such stabilization is achieved through bio-engineering or soft armoring techniques in accordance with an approved critical area report.
 3. Launching Ramps—Public or Private. Launching ramps may be permitted in accordance with an approved critical area report that has demonstrated the following:
 - a. The project will not result in increased beach erosion or alterations to, or loss of, shoreline substrate within one-quarter mile of the site; and
 - b. The ramp will not adversely impact critical fish or wildlife habitat areas or associated wetlands.
 4. Docks. Repair and maintenance of an existing dock or pier may be permitted subject to the following:
 - a. There is no increase in the use of materials creating shade for predator species;
 - b. There is no expansion in overwater coverage;
 - c. There is no increase in the size and number of pilings; and
 - d. There is no use of toxic materials (such as creosote) that come in contact with the water.
 5. Roads, Trails, Bridges, and Rights-of-Way. Construction of trails, roadways, and minor road bridging, less than or equal to the city's street standards, may be permitted in accordance with an approved critical area report subject to the following standards:
 - a. The crossing minimizes interruption of downstream movement of wood and gravel;
 - b. Mitigation for impacts is provided pursuant to a mitigation plan of an approved critical area report;
 - c. If applicable, road bridges are designed according to the Department of Fish and Wildlife Fish Passage Design at Road Culverts, March 1999, as amended, and the National Marine Fisheries Service Guidelines for Salmonid Passage at Stream Crossings, 2000, as amended; and

Commented [SF28]: CMC only applies to those streams that are not within the jurisdiction of the SMP. If the streams are within the jurisdiction of the SMP, then the SMP would be applied, not the CMC.

- d. Trails and associated viewing platforms shall not be made of continuous impervious materials.
- 6. Utility Facilities. New underground utility lines and facilities may be permitted to cross watercourses in accordance with an approved critical area report if they comply with the following standards:
 - a. Installation shall be accomplished by boring beneath the scour depth and hyporheic zone (sediments underlying the surface stream) of the water body;
 - b. The utilities shall cross at an angle greater than sixty degrees to the centerline of the channel in streams or perpendicular to the channel centerline whenever boring under the channel is not feasible, and shall be contained within the footprint of an existing road or utility crossing where possible; and
 - c. The utility route should avoid paralleling the stream or following a down-valley course near the channel; and
 - d. Installation shall not increase or decrease the natural rate of shore migration or channel migration.
- 7. Public Flood Protection Measures. New public flood protection measures and expansion of existing ones may be permitted, subject to the ~~city of Camas's~~ review and approval of a critical area report and the approval of a federal biological assessment by the federal agency responsible for reviewing actions related to a federally listed species.
- 8. Instream Structures. Instream structures, such as high flow bypasses, sediment ponds, instream ponds, retention and detention facilities, tide gates, dams, and weirs, shall be allowed only as part of an approved watershed basin restoration project approved by the city of Camas, and upon acquisition of any required state or federal permits. The structure shall be designed to avoid modifying flows and water quality in ways that may adversely affect habitat conservation areas.
- 9. Stormwater Conveyance Facilities. Conveyance structures may be permitted in accordance with an approved critical area report subject to the following standards:
 - a. Mitigation for impacts is provided;
 - b. Instream stormwater conveyance facilities shall incorporate fish habitat features; and
 - c. Vegetation shall be maintained and, if necessary, added adjacent to all open channels and ponds in order to retard erosion, filter out sediments, and shade the water.
- 10. On-Site Sewage Systems and Wells. All developments subject to review under this section shall be connected to city water and sanitary facilities. Existing private water and sanitary facilities shall be abandoned in a manner consistent with state law.