

# CAMAS MUNICIPAL CODE - TITLE 16 ENVIRONMENT

Current Through Ordinance # 16-017

## CHAPTER 16.01 - GENERAL PROVISIONS

### Sections:

#### 16.01.010 - 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.

#### 16.01.020 - SEVERABILITY.

If any provision of this title or its application to any person or circumstances is held invalid, the remainder of this title, or the application of the provision to other persons or circumstances, shall not be affected.

## CHAPTER 16.03 - DEFINITIONS

### Sections:

#### 16.03.010 - ADOPTION BY REFERENCE.

This chapter contains uniform usage and definitions of terms under SEPA. The city adopts the following sections of WAC Chapter 197-11 by reference, as supplemented by WAC 173-806-030 above:

197-11-702	Act.
197-11-704	Action.
197-11-706	Addendum.
197-11-708	Adoption.
197-11-710	Affected tribe.
197-11-712	Affecting.
197-11-714	Agency.
197-11-716	Applicant.
197-11-718	Built environment.
197-11-720	Categorical exemption.
197-11-722	Consolidated appeal.
197-11-724	Consulted agency.
197-11-726	Cost-benefit analysis.
197-11-728	County/City.
197-11-730	Decisionmaker.

197-11-732	Department.
197-11-734	Determination of non-significance (DNS).
197-11-736	Determination of significance (DS).
197-11-738	EIS.
197-11-740	Environment.
197-11-742	Environmental checklist.
197-11-744	Environmental document.
197-11-746	Environmental review.
197-11-748	Environmentally sensitive area.
197-11-750	Expanded scoping.
197-11-752	Impacts.
197-11-754	Incorporation by reference.
197-11-756	Lands covered by water.
197-11-758	Lead Agency.

197-11-760	License.
197-11-762	Local Agency.
197-11-764	Major action.
197-11-765	Mitigated DNS.
197-11-768	Mitigation.
197-11-770	Natural environment.
197-11-772	NEPA.
197-11-774	Nonproject.
197-11-776	Phased review.
197-11-778	Preparation.
197-11-780	Private Project.

197-11-782	Probable.
197-11-784	Proposal.
197-11-786	Reasonable alternative.
197-11-788	Responsible official.
197-11-790	SEPA.
197-11-792	Scope.
197-11-793	Scoping.
197-11-794	Significant.
197-11-796	State Agency.
197-11-797	Threshold determination.
197-11-799	Underlying governmental action.

## CHAPTER 16.05 - ADMINISTRATIVE PROVISIONS

### Sections:

#### 16.05.010 - ADOPTION BY REFERENCE.

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

197-11-040	Definitions.
197-11-050	Lead agency.
197-11-055	Timing of the SEPA process.
197-11-060	Content of Environmental review.
197-11-070	Limitations on action during SEPA process.
197-11-080	Incomplete or unavailable information.
197-11-090	Supporting documents.

197-11-100	Information required of applicants.
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**16.05.020 - ADDITIONAL DEFINITIONS.**

In addition to those definitions contained within WAC 197-11-700 through 197-11-799 and CMC Chapter 18.03, when used in this chapter, the following terms shall have the following meanings, unless the context indicates otherwise:

"Department" means any division, subdivision, or organizational unit of the city established by ordinance, rule, or order.

"Early notice" means the city's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal (mitigated DNS procedures).

"Ordinance" means the ordinance, resolution, or other procedure used by the city to adopt regulatory requirements.

"SEPA rules" means WAC Chapter 197-11 adopted by the department of ecology.

**16.05.030 - RESPONSIBLE OFFICIAL DESIGNATED.**

- A. For those proposals for which the city is the lead agency, the responsible official shall be the community development director or designee.
- B. For all proposals for which the city is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required EIS, and perform any other functions assigned to the "lead agency" or "responsible official" by those sections of the SEPA rules that were adopted by reference in WAC 173-806-020.
- C. The city shall retain all documents required by the SEPA rules (WAC Chapter 197-11) and make them available in accordance with RCW Chapter 42.56.

**16.05.040 - LEAD AGENCY—DETERMINATION.**

- A. The department within the city receiving an application for or initiating a proposal that involves a nonexempt action shall determine the lead agency for that proposal under WAC 197-11-050 and WAC 197-11-922 through WAC 197-11-940; unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency.
- B. When the city is the lead agency for a proposal, the department receiving the application shall determine the responsible official who shall supervise compliance with the threshold determination requirements, and if an EIS is necessary, shall supervise preparation of the EIS.
- C. When the city is not the lead agency for a proposal, all departments of the city shall use and consider, as appropriate, either the DNS or the final EIS of the lead agency in making decisions on the proposal. No city department shall prepare or require preparation of a DNS or EIS in addition to that prepared by the lead agency, unless required under WAC 197-11-600. In some cases, the city may conduct supplemental environmental review under WAC 197-11-600.
- D. If the city or any of its departments receives a lead agency determination made by another agency that appears inconsistent with the criteria of WAC 197-11-922 through 197-11-940, it may object to the determination. Any objection must be made to the agency originally making the determination and

resolved within fifteen days of receipt of the determination, or the city must petition the Department of Ecology for a lead agency determination under WAC 197-11-946 within the fifteen-day time period. Any such petition on behalf of the city may be initiated by community development director.

- E. Departments of the city are authorized to make agreements as to lead agency status or shared lead agency duties for a proposal under WAC 197-11-942 and 197-11-944; provided, that the responsible official and any department that will incur responsibilities as the result of such agreement must approve the agreement.
- F. Any department making a lead agency determination for a private project shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal (that is: which agencies require nonexempt licenses).

#### 16.05.050 - LEAD AGENCY—TRANSFER TO STATE.

For any proposal for a private project where the city would be the lead agency and for which one or more state agencies have jurisdiction, the city's responsible official may elect to transfer the lead agency duties to a state agency. The state agency with jurisdiction appearing first on the priority listing in WAC 197-11-936 shall be the lead agency and the city shall be an agency with jurisdiction. To transfer lead agency duties, the city's responsible official must transmit a notice of the transfer, together with any relevant information available on the proposal to the appropriate state agency with jurisdiction. The responsible official of the city shall also give notice of the transfer to the private applicant and any other agencies with jurisdiction over the proposal.

#### 16.05.060 - TIME LIMIT CONSIDERATION.

The following time limits (expressed in calendar days) shall apply when the city processes licenses for all private projects and those governmental proposals submitted to the city by other agencies:

- A. Categorical Exemptions. The city shall identify whether an action is categorically exempt within seven days of receiving a completed application.
- B. Threshold Determinations.
  - 1. The city should complete threshold determinations that can be based solely upon review of the environmental checklist for the proposal within fifteen days of the date an applicant's adequate application and completed checklist are submitted.
  - 2. When the responsible official requires further information from the applicant or consultation with other agencies with jurisdiction:
    - a. The city should request such further information within fifteen days of receiving an adequate application and completed environmental checklist;
    - b. The city shall wait no longer than thirty days for a consulted agency to respond;
    - c. The responsible official should complete the threshold determination within fifteen days of receiving the requested information from the applicant or the consulted agency.
  - 3. When the city must initiate further studies, including field investigations, to obtain the information to make the threshold determination, the city should complete the studies within thirty days of receiving an adequate application and a completed checklist.
  - 4. The city shall complete threshold determinations on actions where the applicant recommends in writing that an EIS be prepared, because of the probable significant adverse environmental impact(s) described in the application, within fifteen days of receiving an adequate application and completed checklist.

#### 16.05.070 - ADDITIONAL TIMING CONSIDERATIONS.

- A. For nonexempt proposals, the DNS or draft EIS for the proposal shall accompany the city's staff recommendation to any appropriate advisory body, such as the planning commission.

- B. If the city's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the city conduct environmental review prior to submission of the detailed plans and specifications.

## CHAPTER 16.07 - CATEGORICAL EXEMPTION AND THRESHOLD DETERMINATIONS

### Sections:

#### 16.07.010 - PURPOSE—ADOPTION PROVISIONS.

This chapter contains the rules for deciding whether a proposal has a "probable significant, adverse environmental impact" requiring an environmental impact statement (EIS) to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. The city adopts the following sections of WAC Chapter 197-11 by reference, as supplemented in this chapter:

197-11-300	Purpose of this part.
197-11-305	Categorical exemptions.
197-11-310	Threshold determination required.
197-11-315	Environmental checklist.
197-11-330	Threshold determination process.
197-11-335	Additional information.
197-11-340	Determination of non-significance (DNS).
197-11-350	Mitigated DNS.
197-11-355	Optional DNS process.
197-11-360	Determination of significance (DS) initiation of scoping.
197-11-390	Effect of threshold determination.

#### 16.07.020 - FLEXIBLE.

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

#### 16.07.025 - ENVIRONMENTALLY SENSITIVE AREAS.

The city has adopted maps of certain areas within the city characterized as environmentally sensitive. These maps, which are incorporated by reference, shall be used to generally indicate the location of lands within the city characterized by steep slopes (fifteen percent or greater), potentially unstable soils, wetlands, and streams/watercourses. Lands containing such environmentally sensitive features, as determined by site investigation or studies, whether or not mapped, shall be subject to the provisions of this section. To the extent permitted by state law, the exemptions listed in CMC Section 16.07.020 and WAC 197-11-800 shall not apply within environmentally sensitive areas.

#### 16.07.030 - USE.

- A. Each department within the city that receives an application for a license or, in the case of governmental proposals, the department initiating the proposal, shall determine whether the license and/or the proposal is exempt. The department's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this title apply to the proposal. The city shall not require completion of an environmental checklist for an exempt proposal.
- B. In determining whether or not a proposal is exempt, the department shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the department shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.
- C. If a proposal includes both exempt and nonexempt actions, the city may authorize exempt actions prior to compliance with the procedural requirements of this chapter, except that:
  1. The city shall not give authorization for:
    - a. Any nonexempt action,

- b. Any action that would have an adverse environmental impact, or
  - c. Any action that would limit the choice of alternatives;
2. A department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved; and
  3. A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.

#### 16.07.040 - ENVIRONMENTAL CHECKLIST.

- A. A completed environmental checklist (or a copy) in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this title; except, a checklist is not needed if the city and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The city shall use the environmental checklist to determine the lead agency and, if the city is the lead agency, for determining the responsible official, and for making the threshold determination.
- B. For private proposals, the city will require the applicant to complete the environmental checklist, providing assistance as necessary. For city proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.
- C. The city may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if either of the following occurs:
  1. The city has technical information on a question or questions that is unavailable to the private applicant; or
  2. The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.

#### 16.07.050 - THRESHOLD DETERMINATION.

- A. As provided in this section and in WAC 197-11-350, the responsible official may issue a determination of nonsignificance (DNS) based on conditions attached to the proposal by the responsible official, or on changes to, or clarifications of, the proposal made by the applicant.
- B. An applicant may request in writing early notice of whether a determination of significance (DS) is likely under WAC 197-11-350. The request must:
  1. Follow submission of a permit application and environmental checklist for a nonexempt proposal for which the department is lead agency; and
  2. Precede the city's actual threshold determination for the proposal.
- C. The responsible official should respond to the request for early notice within fifteen working days. The response shall:
  1. Be written;
  2. State whether the city currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that are leading the city to consider a DS; and

3. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.
- D. As much as possible, the city should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.
  - E. When an applicant submits a changed or clarified proposal, along with a revised environmental checklist, the city shall base its threshold determination on the changed or clarified proposal and should make the determination within fifteen days of receiving the changed or clarified proposal:
    1. If the city indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the city shall issue and circulate a determination of nonsignificance under WAC 197-11-340(2).
    2. If the city indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the city shall make the threshold determination, issuing a DNS or DS as appropriate.
    3. The applicant's proposed mitigation measures (clarifications, changes, or conditions) must be in writing and must be specific. For example, proposals to "control noise" or "prevent stormwater runoff" are inadequate, whereas proposals to "muffle machinery to X decibel" or "construct two hundred feet stormwater retention pond at Y location" are adequate.
    4. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies, or other documents.
  - F. A mitigated DNS is issued under WAC 197-11-340(2), requiring a fifteen-day consent period and public notice.
  - G. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the city.
  - H. If the city's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the city should evaluate the threshold determination to assure consistency with WAC 197-11-340(3)(a) (withdrawal of DNS).
  - I. The city's written response under subsection B of this section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the city to consider the clarifications or changes in its threshold determination.

**CHAPTER 16.09 - ENVIRONMENTAL IMPACT STATEMENTS**

**Sections:**

**16.09.010 - PURPOSE—ADOPTION BY REFERENCE.**

This chapter contains the rules for preparing environmental impact statements. The city adopts the following sections of WAC Chapter 197-11 by reference, as supplemented by this article:

197-11-400	Purpose of EIS.
197-11-402	General requirements.

197-11-405	EIS types.
197-11-406	EIS timing.
197-11-408	Scoping.
197-11-410	Expanded scoping.
197-11-420	EIS preparation.
197-11-425	Style and size.
197-11-430	Format.
197-11-435	Cover letter or memo.
197-11-440	EIS contents.
197-11-442	Contents of EIS on non-project proposals.
197-11-443	EIS contents when prior non-project EIS.
197-11-444	Elements of the environment.
197-11-448	Relationship of EIS to other considerations.
197-11-450	Cost-benefit analysis.
197-11-460	Issuance of DEIS.
197-11-460	Issuance of FEIS.

16.09.020 - Preparation.

Current Camas CAO  
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- A. Preparation of draft and final EIS's and SEIS's is the responsibility of community development department under the direction of the responsible official. Before the city issues an EIS, the responsible official shall be satisfied that it complies with this title and WAC Chapter 197-11.
- B. The draft and final EIS or SEIS shall be prepared by city staff, the applicant, or by a consultant selected by the city or the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the city will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the city's procedure for EIS preparation, including approval of the draft and final EIS prior to distribution.
- C. The city may require an applicant to provide information the city does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this title, or that is being requested from another agency. (This does not apply to information the city may request under another ordinance or statute.)

**CHAPTER 16.11 - ENVIRONMENTAL DOCUMENTS AND HEARINGS**

**Sections:**

**16.11.010 - PURPOSE—ADOPTION BY REFERENCE.**

This chapter contains rules for consulting, commenting and responding on all environmental documents under SEPA, including rules for public notice and hearings. The city adopts the following sections of WAC Chapter 197-11 by reference, as supplemented in this chapter:

197-11-500	Purpose of this part.
197-11-502	Inviting comment.
197-11-504	Availability and cost of environmental documents.
197-11-508	SEPA Register.
197-11-510	Public Notice.
197-11-535	Public hearings and meetings.
197-11-545	Effect of no comment.
197-11-550	Specificity of comments.
197-11-560	FEIS response to comments.

197-11-570	Consulted agency costs to assist lead agency.
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#### 16.11.020 - NOTICE.

- A. Whenever the city issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3), the city shall give public notice as follows:
  - 1. If public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due.
  - 2. If no public notice is required for the permit or approval, the city shall give notice of the DNS or DS by publishing notice in a newspaper of general circulation in the county, city or general area where the proposal is located.
  - 3. Whenever the city issues a DS under WAC 197-11-360(3), the city shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408.
- B. Whenever the city issues a draft EIS under WAC 197-11-455(5) or a supplemental EIS under WAC 197-11-620, notice of the availability of those documents shall be given by:
  - 1. Indicating the availability of the DEIS in any public notice required for a nonexempt license; and
  - 2. Publishing notice in a newspaper of general circulation in the county, city, or general area where the proposal is located.
- C. Whenever possible, the city shall integrate the public notice required under this section with existing notice procedures for the city's nonexempt permit(s) or approval(s) required for the proposal.
- D. The city may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

#### 16.11.030 - CONSULTED AGENCY DETERMINATION.

- A. The community development department shall be responsible for preparation of written comments for the city in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a draft EIS.
- B. This department shall be responsible for the city's compliance with WAC 197-11-550 whenever the city is a consulted agency, and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the city.

#### 16.11.040 - EXISTING DOCUMENT USE.

This chapter contains rules for using and supplementing existing environmental documents prepared under SEPA or NEPA for the city's own environmental compliance. The city adopts the following sections of WAC Chapter 197-11 by reference:

197-11-600	When to use existing environmental documents.
197-11-610	Use of NEPA documents.
197-11-620	Supplemental environmental impact statement—Procedures.
197-11-625	Addenda—Procedures.
197-11-630	Adoption—Procedures.
197-11-635	Incorporation by reference—Procedures.
197-11-640	Combining documents.

## CHAPTER 16.13 - SEPA AND AGENCY DECISIONS AND APPEALS

### Sections:

16.13.010 - Purpose—Adoption by reference.

This chapter contains rules (and policies) for SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This chapter also contains procedures for appealing SEPA determinations to agencies or the courts. The city adopts the following sections of WAC Chapter 197-11 by reference:

197-11-650	Purpose of this part.
197-11-655	Implementation.
197-11-660	Substantive authority and mitigation.
197-11-680	Appeals.
197-11-700	Definitions.

#### 16.13.020 - POLICIES.

The policies and goals set forth in this title are supplementary to those in the existing authorization of the city.

#### 16.13.030 - 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.

#### 16.13.040 - DENIAL.

The city may deny a permit or approval for a proposal on the basis of SEPA so long as:

- A. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a final EIS or final supplemental EIS prepared pursuant to this title; and
- B. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and
- C. The denial is based on one or more policies identified in Section 16.13.050 of this chapter and identified in writing in the decision document.

#### 16.13.050 - ADOPTED POLICIES.

The city designates and adopts by reference the following policies as the basis for the city's exercise of authority pursuant to Sections 16.13.020 through 16.13.060:

- A. The city shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources to the end that the state and its citizens may:
  - 1. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

2. Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
  3. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
  4. Preserve important historic, cultural, and natural aspects of our national heritage;
  5. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
  6. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and
  7. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.
- B. The city recognizes that each person has a fundamental and inalienable right to a healthful environment, and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

16.13.060 - 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. Such appeal may be perfected by the proponent or any aggrieved party by giving notice to the responsible official within ten days of the decision being appealed. Review by the city council shall be on a de novo basis.

CHAPTER 16.15 - CATEGORICAL EXEMPTIONS

**Sections:**

16.15.010 - Purpose—Adoption by reference.

The city adopts by reference the following sections of WAC Chapter 197-11 for categorical exemptions, as supplemented in this title:

197-11-800	Categorical exemptions.
197-11-880	Emergencies.
197-11-890	Petitioning DOE to change exemptions.

## CHAPTER 16.17 - AGENCY COMPLIANCE

### Sections:

#### 16.17.010 - PURPOSE—ADOPTION BY REFERENCE.

This chapter contains rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, designating environmental sensitive areas, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The city adopts the following sections of WAC Chapter 197-11 by reference:

197-11-900	Purpose of this part.
197-11-902	Agency SEPA policies.
197-11-916	Application to ongoing actions.
197-11-920	Agencies with environmental expertise.
197-11-922	Lead agency rules.
197-11-924	Determining the lead agency.
197-11-926	Lead agency for governmental proposals.
197-11-928	Lead agency for public and private proposals.
197-11-930	Lead agency for private projects with one agency with jurisdiction.
197-11-932	Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
197-11-934	Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
197-11-936	Lead agency for private projects requiring licenses from more than one state agency.
197-11-938	Lead agencies for specific proposals.
197-11-940	Transfer of lead agency status to a state agency.

197-11-942	Agreements on lead agency status.
197-11-944	Agreements on division of lead agency duties.
197-11-946	DOE resolution of lead agency disputes.
197-11-948	Assumption of lead agency status.

## CHAPTER 16.19 - FEES

### Sections:

#### 16.19.010 - REQUIRED.

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

#### 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.

#### 16.19.030 - ENVIRONMENTAL IMPACT STATEMENT.

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

16.19.040 - NOTICE—PUBLICATION.

The city may collect a reasonable fee from an applicant to cover the cost of meeting the public notice requirements of this title relating to the applicant's proposal.

16.19.050 - COPY PREPARATION.

The city may charge any person for copies of any document prepared under this title, and for mailing the document, in a manner provided by RCW Chapter 42.56.

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.

# ARCHAEOLOGICAL

## CHAPTER 16.31 - ARCHAEOLOGICAL RESOURCE PRESERVATION

### Sections:

#### 16.31.010 - PURPOSE.

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.

#### 16.31.020 - DEFINITIONS.

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

"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.

"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)).

"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.

"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.

"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)).

"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.

"DAHP" means the Washington State Department of Archaeology and Historic Preservation.

"Department" means the community development department.

"Director" means the director of the community development department or designee.

"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).

"Known, recorded archaeological site" means an archaeological site which has been recorded with DAHP.

"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)).

"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.

"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). The probability levels assigned to property within the urban growth boundary of the city are identified in that map entitled "City of Camas Archaeological Probability, July 21, 2006."

"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.

"Survey" means archaeological resource survey.

"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 REQUIRED.

- A. A predetermination shall be required for any nonexempt ground-disturbing action or activity for which a permit or approval is required within probability level high.
- 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 on a parcel of at least five acres within probability levels moderate-high and moderate.
- 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 within one-fourth mile of a known, recorded archaeological site.
- D. 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.
- E. 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. 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. A predetermination shall not be performed when a survey is required under Section 16.31.110 of this chapter.
- H. 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 STANDARDS.

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. Background Research. A thorough review of records, documentation, maps, and other pertinent literature shall be performed.
- D. Surface Inspection. A 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. 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.

- A. Predetermination reports shall be reviewed by the director.
- B. 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.
- C. 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 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 archaeological site has been identified and is 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. 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. Monitoring 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.

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. 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.

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.

Whenever a predetermination or survey is required, the applicant shall provide the tribes with a copy of the application and all supporting materials by certified mail, return receipt requested, and shall provide proof of compliance with this requirement to the director. 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 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 significant natural and human-made features: Mount Hood and major bodies of water including the Columbia River, 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.
2. The responsible official may condition or deny a proposal to eliminate or reduce its adverse impacts on designated public views or open space networks.
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.

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.
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

### Sections:

#### 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:

"Board" shall refer to the Clark County board of commissioners, except where reference is made to the "local review board" for purposes of the special valuation tax incentive program.

"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.

"Commission" means the "Clark County historic preservation commission."

"Contributing" means a property which dates to the historic period and retains sufficient physical integrity so as to convey its historic character.

"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.

"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.

"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.

"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.

"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.

"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.

"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.

"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.

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

"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. All members shall be selected based on the professional or demonstrated expertise criteria (CCC Section 18.328.040(B)), rather than by geographic distribution.
- C. Powers and Duties. The major responsibilities of the commission are to identify and actively encourage the conservation of the county's historic and cultural resources by initiating and maintaining a register of historic places and reviewing proposed changes to register property(ies); to raise community awareness of the county's historic and cultural resources; and to serve as the county's primary resource in matters of historic preservation. In carrying out these responsibilities, the commission shall engage in the following activities:
  - 1. Maintain a comprehensive inventory of historic and cultural resources within the boundaries of the city of Camas to be included in the Clark County cultural resources inventory; publicize and periodically update inventory results;
  - 2. Maintain the Clark County heritage register. This official register shall be comprised of buildings, structures, sites, objects and districts identified by the commission as having historic significance worthy of recognition by the county and encouragement of efforts by owners to maintain, rehabilitate and preserve properties;
  - 3. Review nominations to the Clark County heritage register and National Register of Historic Places according to criteria in Sections 16.31.050 and 16.31.060 of this title. Make designations to the Clark County heritage register;
  - 4. Review proposals as required in Section 16.35.060(B) and (C) for historic districts on the Clark County heritage or National Registers;
  - 5. Submit nominations to the Washington State Heritage Register and National Register of Historic Places;
  - 6. Provide for comment by the commission on all applications for approvals, permits, environmental assessments or impact statements, and other similar documents pertaining to identified historic or cultural resources or adjacent property(ies) upon staff request;
  - 7. Provide information, comment and support to the public and agencies on matters related to historic preservation;
  - 8. Encourage recognition of noteworthy efforts in the rehabilitation or maintenance of historic buildings, structures, sites and districts, and new construction in historic areas;

9. Serve as the local review board for special valuation pursuant to RCW 84.26.
- D. Rules and Officers.
1. The commission shall establish and adopt its rules and procedures not inconsistent with this chapter.
  2. The commission shall select from among its membership a chairperson and vice chair to conduct the commission's business.
- E. Commission Staff. Staff for the commission shall be provided by the Clark County department of community development with additional assistance and information to be provided by other county or city departments as may be necessary to aid the commission in carrying out its duties and responsibilities under this chapter.
- F. Interlocal Agreement Required. An interlocal agreement shall be established between the city and Clark County implementing the provisions of this chapter.

#### 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 OAHF shall complete the designation process and notify the applicant of the designation decision.

#### 16.35.060 - CLARK COUNTY HERITAGE REGISTER.

- A. Criteria for Determining Eligibility for Designation in the Register. Any building, structure, site, object or district may be designated for inclusion in the Clark County heritage register if it:
  1. Has integrity of location, design, setting, materials, workmanship, feeling and association; and
  2. Is at least fifty years old, or is of lesser age and has exceptional importance; and
  3. Is significantly associated with the history, architecture, archaeology, engineering or cultural heritage of the community; and
  4. Meets at least one of the following criteria:
    - a. Is associated with events that have made a significant contribution to the broad patterns of national, state or local history; or
    - b. Embodies the distinctive architectural characteristics of a type, period, style or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction; or
    - c. Is an outstanding work of a designer, builder or architect who has made a substantial contribution to their field; or
    - d. Exemplifies or reflects special elements of the county's history; or
    - e. Is associated with the lives of persons significant in national, state or local history; or
    - f. Has yielded or may be likely to yield important archaeological information related to history or prehistory; or

- g. Is an historic building or cultural resource removed from its original location but which is significant for architectural value, or association with an historic person or event, or prehistory; or
  - h. Is a birthplace or grave of a prehistoric or historical figure of outstanding importance and is the only surviving structure or site associated with that person; or
  - i. Is a cemetery or burial site which derives its primary significance from age, from distinctive design features, or from association with historic events, or cultural patterns; or
  - j. Is a reconstructed building that has been executed in an historically accurate manner on the original site; or
  - k. Is a creative and unique example of folk architecture and design created by persons not formally trained in the architectural or design professions, and which does not fit into formal architectural or historical categories.
- B. Nominating, Designating and Listing Property(ies) or Districts to the Clark County Heritage Register.
- 1. Any person may nominate a building, structure, site, object, or district for inclusion in the Clark County heritage register. The owner must consent to placement of the nominated resource prior to consideration for designation by the commission. In its designation decision, the commission shall consider the Clark County cultural resources inventory and the Camas urban area comprehensive plan.
  - 2. The commission shall consider the merits of the nomination, according to the criteria in subsection A of this section and according to the nomination review standards established in its rules and procedures, at a public hearing. Adequate notice will be given to the public, the owner(s) and the author(s) of the nomination, if different, and lessees, if any, of the subject property prior to the public meeting according to standards for public meetings established in rules and in compliance with RCW 42.30, Open Public Meetings Act. Such notice shall include publication in a newspaper of general circulation in Clark County and posting of the property per CCC Section 18.600.080. If the commission finds that the nominated property is eligible for the Clark County heritage register, the commission shall list the property in the register with the owner's consent.
  - 3. In the case of individual property(ies), the designation shall include all exterior features, interior features, and outbuildings which directly contribute to the significance of the historic or architectural character.
  - 4. In the case of districts, the designation shall include description of the boundaries of the district; the characteristics of the district which justifies its designation; and a list of all property(ies) including features, structures, sites and objects which contribute to the designation of the district.
  - 5. The public, property owner(s) and author(s) of the nomination, if different, and lessees, if any, shall be notified of the listing by mailed notice.
- C. Designating Historic Districts.
- 1. Historic districts may be identified and nominations made in conformance with the criteria in this chapter. A simple majority of property owners within the proposed historic district must consent, in writing, to nomination of properties prior to designation. Design guidelines shall be adopted as an integral part of each historic district designation.
  - 2. Commission staff together with city staff shall:
    - a. Review the proposal for land use impacts, consistent with the comprehensive plan, neighborhood action plan, and other related plans and codes. The designation of a historic district should not have the effect of significantly hampering redevelopment in commercial areas. Staff shall submit its analysis of these issues to the commission;
    - b. Draft design guidelines for the proposed historic district and submit them to the commission.
  - 3. The commission shall hold a duly advertised public hearing to review the proposal. It shall make findings concerning the proposed district's historic significance; the appropriate boundaries of

such a district; land use impacts, consistency and compatibility issues; and appropriate design guidelines. Contributing structures and features as well as noncontributing structures shall be identified. The commission shall issue a final determination designating the historic district or denying the proposal following the public hearing.

4. Designated historic districts shall be recorded on the official zoning maps of the city and the county.
  5. A decision of the commission designating a building, structure, site, object or district or denying such a proposal may be appealed to the city council.
- D. Removal of Property(ies) or Historic Districts from the Clark County Heritage Register.
1. A property owner may request a review of a property for possible removal from the Clark County heritage register. A written request may be submitted to the commission and considered at a public meeting. However, there is no automatic right to have a property removed from the register.
  2. In the event that any property or historic district no longer meets the criteria for designation to the Clark County heritage register, the commission may initiate removal from such designation by the same procedure as provided for in establishing the designation, except that a property or historic district may be removed from the Clark County heritage register without owner consent. The decision to remove a property or district from the Clark County heritage register may be appealed to the city council.
- E. Effects of Designation and Listing on the Register.
1. Designation and listing on the Clark County heritage register is an honorary designation denoting significant association with the historic, architectural, archaeological, engineering or cultural heritage of the community. Property(ies) is(are) listed individually or as contributing property(ies) to an historic district.
  2. Prior to the commencement of any work associated with the significant features as defined in the designation of the register property or historic district, excluding ordinary repair, maintenance and emergency measures defined in Section 16.35.070, the owner must request and receive a certificate of appropriateness from the commission for the proposed work.
  3. Prior to whole or partial demolition of a register property or historic district, the owner must request and receive a waiver of a certificate of appropriateness.
  4. After demolition of a structure the commission may initiate removal of the property from the Clark County heritage register.
  5. While Clark County is certified as certified local government (CLG), all properties and historic districts designated on the Clark County heritage register and the National Register of Historic Places may be eligible for a special tax valuation on their rehabilitation pursuant to CMC Section 16.07.090.
- F. Recording Designations and Listings. All properties which are designated and listed on the Clark County heritage register shall have a copy of the listing recorded with the county auditor's office. A copy of the designation and listing letter for recording shall be forwarded to the auditor's office by commission staff.

#### 16.35.070 - REVIEW OF CHANGES TO CLARK COUNTY HERITAGE REGISTER PROPERTY(IES)—DESIGN REVIEW.

- A. Review Required. No person shall construct any new building or structure, or reconstruct, alter, restore, remodel, repair, move, demolish or make any material change affecting significant historic features as listed in the designation application to any existing property on the Clark County heritage register or within an historic district on the Clark County heritage register, whether the property is

contributing or noncontributing, without review by the commission and without receipt of a certificate of appropriateness, or in the case of demolition, a waiver of certificate of appropriateness, as a result of the review.

1. For individual or contributing properties, the review shall apply to all features of the property, interior and exterior, that contribute to its designation and are listed on the designation.
2. For noncontributing properties, the review shall apply to exterior changes. The purpose of the review in this case is to ensure that the proposed changes do not further detract from the property's compatibility with the historic district, and to encourage changes which would enhance its compatibility with the historic district.
3. For new construction or redevelopment, the review shall apply to the exterior of the structure(s). The purpose of the review is to ensure that the exterior design of the proposed structure enhances the historic district through conformance with the adopted design guidelines.

This requirement shall apply whether or not the proposed alteration also requires a building or other permit, except as noted under subsection B of this section. Information required by the commission to review the proposed changes are established in its rules and procedures. A pre-application conference is recommended but must be requested by the applicant.

B. Exemptions. The following activities do not require a certificate of appropriateness or review by the commission:

1. Ordinary repair and maintenance activities, including painting and emergency measures as defined in Section 16.35.030, which do not affect significant historic features;
2. Ordinary repairs and maintenance which do not alter the appearance of a significant feature and do not utilize substitute materials do not require a certificate of appropriateness;
3. If there are no interior features of significance, repairs to or replacement of utility systems do not require a certificate of appropriateness if such work does not alter a significant feature.

C. Review Process.

1. Requests for Review and Issuance of a Certificate of Appropriateness or Waiver. The building or zoning official shall report any application for a permit to work on a designated Clark County heritage register property or in a Clark County heritage historic district to the commission. If the activity is not exempt from review, the commission or staff shall notify the applicant of the review requirements. The building or zoning official shall not issue any such permit until a certificate of appropriateness or a waiver is received from the commission but shall work with the commission in considering building and fire code requirements.
2. There shall be two types of reviews for issuance of a certificate of appropriateness:
  - a. An administrative review by commission staff for repairs and replacements-in-kind as listed below, but not limited to, the following:
    - i. Repairs (other than ordinary repair and maintenance) using the same materials and design as the original,
    - ii. Re-roofing using the same type and color of material,
    - iii. Replacement of sidewalks and driveways using the same type and color of materials,
    - iv. Replacement of foundations or major portions thereof, using the same type and color of materials,
    - v. Replacement of utility systems if contributing interior features of significance are present,
    - vi. Structural or seismic upgrades which do not alter or affect significant features.
  - b. A public hearing review by the commission for alterations in appearance, replacement of historic materials, new construction or additions, or demolition or removal of a Clark County

heritage register building or cultural resource. Demolition of structures or facilities with recognized historical significance is also subject to the State Environmental Policy Act.

3. When a certificate of appropriateness is required, the following procedures shall govern according to the type of review required:
  - a. Applications requiring administrative review for certificates of appropriateness shall be reviewed by the commission staff.
  - b. Applications for the certificate shall be submitted to the commission staff on forms provided by the commission and must include a clear photograph or photographs of the building, object, site or structure, a brief description of the intended work, and samples of replacement material for comparison with the existing or the original building or structure.
  - c. Decision of the commission staff on the application shall be made within fifteen days from the date on which the commission staff receives a technically complete application.
  - d. The commission staff may, on his or her own motion, refer the application to the commission for a decision in accordance with the procedures set forth for a public hearing review. The time for a decision of the commission on the application shall run from the date that the application is referred to the commission by the staff.
  - e. Appeals from the decision of the commission staff regarding the issuance of a certificate of appropriateness under administrative review may be appealed to the commission (not the hearing examiner).
4. Public Hearing Review. Alterations in appearance, replacement of historic material (other than in-kind), new construction or additions. Alteration in the appearance of a significant contributing feature, the replacement of historic material (other than in-kind) in a significant feature, additions to a Clark County heritage register (CCHR) or new construction on a CCHR property or in an historic district, or any excavation on an archaeological site requires a public hearing review for a certificate of appropriateness. The owner or his/her agent (architect, contractor, lessee, etc.) shall apply to the commission for a review of proposed changes on a Clark County heritage register property or within a Clark County heritage register historic district and request a certificate of appropriateness or, in the case of demolition, a waiver. Each application for review of proposed changes shall be accompanied by information as required by the commission in its rules and procedures for the review of the proposed project. The commission staff shall meet with the applicant and review the proposed work according to the design review criteria established in rules. Notice of the design review shall be published in a newspaper of general circulation with the agenda for a public hearing and the property posted. The commission shall complete its review and make its recommendations decision within the timelines established in CCC Section 17.600.080, unless an extension of time is necessary. The commission's decision shall be in writing and shall state the findings of fact and reasons relied upon in reaching its decision. If the owner agrees to the commission's decision, a certificate of appropriateness shall be awarded by the commission according to standards established in its rules and procedures. The commission's recommendations and decision, and, if awarded, the certificate of appropriateness shall be transmitted to the building or zoning official. If a certificate of appropriateness is awarded, the building or zoning official may then issue the permit.
5. Demolition. A waiver of certificate of appropriateness is required before a permit may be issued to allow whole or partial demolition of a designated Clark County heritage register property or in a Clark County heritage register historic district. Demolition is subject to review under the State Environmental Policy Act.
  - a. The owner or his/her agent shall attend a pre-application conference with staff to review demolition or alternative plans.
  - b. After the pre-application conference, the owner or agent may apply to the commission for review of the proposed demolition and request a waiver of certificate of appropriateness through a public hearing. With the application, the applicant shall provide a bona fide list of alternatives to demolition (which includes, but is not limited to, economic analysis; offers to

lease, sell or dedicate site to a private, public or nonprofit entity, and outcome of the offer; relocation of building, etc.)

- c. Such review shall last no longer than forty-five days from the date of application, unless the commission finds that an extension of time is necessary. In no case shall the commission extend the review period beyond an additional forty-five days.
  - d. If no alternative to demolition is agreed upon, the commission shall issue a waiver of certificate of appropriateness. The commission may attach to the waiver, pursuant to the public hearing, conditions mitigating the loss of the Clark County heritage register property. Mitigation measures may include, but are not limited to, an identification plaque, use of an architectural element in new construction, moving the building, and/or buffering of the historic or cultural resource. The waiver and any attached mitigation conditions shall be transmitted to the official in charge of issuing demolition permits. Any attached mitigation conditions shall become conditions of approval should a demolition permit be granted.
  - e. After demolition of a property, the commission may initiate its removal from the Clark County heritage register.
6. Appeal of Approval or Denial of a Waiver of a Certificate of Appropriateness. The commission's decision regarding a waiver of a certificate of appropriateness may be appealed to the city council. Appeal of the city council's decision regarding a waiver of a certificate of appropriateness may be appealed to superior court.

#### 16.35.080 - RELATIONSHIP TO ZONING.

- A. Property(ies) designated to the Clark County heritage register shall be subject to the provisions set forth herein, as well as the bulk, use, setback and other controls of the zoning district in which they are located. Nothing contained herein shall be construed to be repealing, modifying, or waiving any zoning provisions.
  1. Property(ies) on any historic register or the Clark County cultural resources inventory shall be so noted in the city's manual or electronic permit tracking system or other database to alert staff and public as to the presence of an historic site, structure, object or building. Archaeological sites are exempt from this requirement.
  2. An official county map shall indicate an "HR-C" for "Historic or Heritage Register - Camas" for any property listed on the national, state or local registers, with the exception of specific archaeological sites.
  3. Property(ies) within the city listed on the Clark County cultural resource inventory shall be indicated on an official map(s) with an "HI-C" for "Historic Inventory—Camas" with the exception of specific archaeological sites.
  4. Historic district boundaries approved by the commission shall be indicated on the city's official zoning maps.
  5. Any application for development of building permit review on a property designated HR-C or HI-C shall be routed to commission and city staff for review or action pursuant to this title and the commission's rules and procedures prior to permit approval.
- B. The Clark County planning division with assistance from city staff is responsible for review of impacts to potential or existing historic resources. All applications for approval, permits, environmental assessments or impact statements, and other similar documents pertaining to property(ies) on the Clark County cultural resource inventory or adjacent property(ies) shall be reviewed by appropriate staff or a qualified consultant.

Comments shall be forwarded to the responsible staff for the application under consideration. If a property or historic district is on the National Register of Historic Places or the Clark County heritage register, the commission staff shall contact the property owner(s) or agent(s) in writing and advise them of the register status and applicable requirements.

#### 16.35.090 - REVIEW AND MONITORING OF PROPERTY(IES) FOR SPECIAL PROPERTY TAX VALUATION.

This section implements the local option special valuation tax incentive program as established in RCW 84.26.

##### A. Time Lines.

1. Applications must be filed by the first day of October with the county assessor's office and shall be forwarded to the commission by the assessor within ten days of filing.
2. For applications filed at least thirty days prior to the next regularly scheduled meeting of the commission, the case may be put on the agenda for that meeting. If there are not thirty days, the case will be scheduled for the next regularly scheduled meeting of the commission.
3. Applications shall be reviewed by the commission before December 31st of the calendar year in which the application is made.
4. Commission decisions regarding the applications shall be certified in writing and filed with the assessor within ten days of the decision.

##### B. Procedure.

1. The applicant files an application for special valuation with the county assessor's office no later than October 1st preceding the tax assessment year for which they wish to apply. A fee is required as established in CCC Chapter 17.60 and is payable to the Clark County department of community development.
2. The assessor forwards the application(s) to the commission within ten days of receipt of the completed application.
3. The commission reviews the application(s), consistent with its rules and procedures, and determines if the application(s) are complete and if the property(ies) meet the criteria set forth in WAC 254-17-070(1) and listed in subsection (C)(3) of this section.
  - a. If the commission finds the property(ies) meet all the criteria, then it shall approve the application(s).
  - b. If the commission determines the property(ies) do not meet all the criteria, then it shall deny the application(s).
4. The commission certifies its decisions in writing and states the facts upon which the approvals or denials are based and files copies of the certifications with the assessor.
5. For approved applications:
  - a. The commission staff forwards copies of the agreements, applications, and supporting documentation (as required by WAC 254-17-090(4) and identified in subsection C of this section) to the assessor;
  - b. The commission staff forwards the signed agreement and application documents to the county auditor for recording. The applicant shall be assessed fees for recording as provided for in CCC Chapter 17.60 and other applicable county codes;

- c. Notifies the Washington State Advisory Council that the property(ies) have been approved for special valuation; and
  - d. Monitors the property(ies) for continued compliance with the agreements throughout the ten-year special valuation period. Monitoring may include an annual site visit by staff or commission members.
6. The commission determines in a manner consistent with its rules of procedure, whether or not property(ies) are disqualified from special valuation either because of:
    - a. The owner's failure to comply with the terms of the agreement; or
    - b. A loss of historic value resulting from physical changes to the building or site.
  7. For disqualified property(ies) pursuant to RCW 84.26.080, the commission shall notify the owner, assessor, and Washington State Advisory Council in writing and state the facts supporting its findings.

C. Criteria.

1. Historic Property Criteria. The class of property eligible to apply for special valuation in Clark County shall mean all property(ies) listed on the National Register of Historic Places, Clark County heritage register or property(ies) certified as contributing to local and/or National Register Historic Districts which have been substantially rehabilitated at a cost and within a time period which meets the requirements set forth in RCW Chapter 84.26.
2. Application Criteria. Complete applications shall consist of the following documentation:
  - a. A legal description of the historic property;
  - b. A copy of the nomination form to the National Register of Historic Places or Clark County heritage register for the subject property(ies);
  - c. Comprehensive exterior and interior photographs of the historic property before and after rehabilitation. Photographs should be four inches by six inches or five inches by seven inches minimum format either black and white or color, with negatives and must be clearly labeled to identify case, location, subjects and the direction the photograph was taken:
    - i. Photos taken prior to construction,
    - ii. Historic photos or other source materials of replicated features,
    - iii. If in an historic district, a current streetscape;
  - d. Architectural plans or other legible drawings depicting the completed rehabilitation work signed by the architect or drafts-person; and
  - e. Notarized affidavit(s):
    - i. Attesting to the actual itemized cost of the rehabilitation work completed prior to the date of application, and
    - ii. Indicating rehabilitation work was completed within the twenty-four month period of time prior to application for special valuation.

Documentation of both must be made available to the commission;
  - f. Samples of utilized materials may be required by the commission;
  - g. Other information as required by staff or the commission at a pre-application meeting.
3. Property Review Criteria. In its review the commission shall determine if the property(ies) meet all the following criteria:
  - a. The property is historic property which is designated to the local and/or national registers;

- b. The property has been rehabilitated at a cost which meets the definition set forth in RCW 84.26.017(2) within twenty-four months prior to the date of application; and
  - c. The property has not been altered in any way which adversely affects those elements which qualify it as historically significant as determined by applying the Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties (WAC 254-17-100(1) and listed in subsection (C)(4) of this section).
4. Rehabilitation and Maintenance Criteria. The Washington State Advisory Council's Standards for the Rehabilitation and Maintenance of Historic Properties in WAC 254-17-100 shall be used by the commission as minimum requirements for determining whether or not an historic property is eligible for special valuation and whether or not the property continues to be eligible for special valuation and whether or not the property continues to be eligible for special valuation once it has been so classified.
- D. Agreement. The historic preservation special valuation agreement in WAC 254-17-117 shall be used by the commission as the minimum agreement necessary to comply with the requirements of RCW 84.26.050(2).
- E. Appeals. Any decision of the commission acting on any application for classification as historic property, eligible for special valuation, may be appealed to superior court under RCW 34.04.130 in addition to any other remedy of law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the county board of equalization.

#### 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 Clark County, the region, or the nation, regardless of current ownership.
- B. Effect of Listing on the Inventory. Listing on the Clark County cultural resources inventory does not result in any regulatory requirements pursuant to this chapter.
- C. Application for Listing on the Inventory.
  - 1. A property owner may make application for listing on the inventory by completing an inventory form available from the Clark County department of community development and submitting it to the commission staff, if the building, structure, site, object, or district is at least fifty years old, or is of lesser age and has exceptional architectural, historical or cultural importance.
  - 2. The city of Camas or Clark County may conduct an historic and cultural resource inventory and make application for listing on the inventory.
- D. Listing on the Inventory.
  - 1. New listings of buildings, structures, sites, objects or districts to the inventory is subject to review by the department of community development together with staff from the city. Consideration of listing shall be based upon development of a comprehensive inventory methodology which determines a rank order.
  - 2. Property(ies) which are demolished shall be maintained in the inventory records for historical research purposes.

#### 16.35.110 - VIOLATIONS AND ENFORCEMENT.

Violations of this chapter shall be grounds for the commission to review the property for removal from the register. The property owner may also be subject to special valuation disqualifications as stated in WAC 458-15-070 and all applicable laws.

#### CRITICAL AREAS

#### Chapter 16.51 - GENERAL PROVISIONS

#### **Sections:**

#### 16.51.010 - PURPOSE.

- A. The purpose of this chapter is to designate and classify ecologically sensitive and hazardous areas, and to protect these areas, their functions and values, while allowing for some reasonable use of property.
- B. The city finds that critical areas provide a variety of valuable and beneficial biological and physical functions that benefit the city of Camas and its residents, and/or may pose a threat to human safety, or to public and private property.
- C. Goals. By managing development and alteration of critical areas, this chapter seeks to:
  - 1. Protect members of the public and public resources and facilities from injury, loss of life, or property damage due to landslides and steep slope failures, erosion, seismic events, or flooding;
  - 2. Protect unique, fragile, and valuable elements of the environment, including ground and surface waters;
  - 3. Direct activities not dependent on critical area resources to less ecologically sensitive sites, and mitigate necessary impacts to critical areas by regulating alterations in and adjacent to critical areas; and
  - 4. Prevent cumulative adverse environmental impacts to critical aquifer recharge and frequently flooded areas.
- D. The regulations of this chapter are intended to protect critical areas in accordance with the Growth Management Act, and through the application of best available science, as determined according to WAC 365-195-900 through 365-195-925, and in consultation with state and federal agencies and other qualified professionals.
- E. This chapter is to be administered with flexibility and attention to site-specific characteristics. It is not the intent of this chapter to make a parcel of property unusable by denying its owner reasonable economic use of the property.
- F. The city's enactment or enforcement of this chapter shall not be construed for the benefit of any individual person or group of persons other than the general public.

#### 16.51.020 - AUTHORITY.

As provided herein, the director shall mean the community development director or designee. The director is given the authority to interpret and apply, and the responsibility to enforce this chapter to accomplish the stated purpose.

#### 16.51.030 - RELATIONSHIP TO OTHER REGULATIONS.

- A. These critical area regulations shall apply as an overlay and in addition to zoning and other regulations, including the city of Camas Design Standards Manual, adopted by the city.
- B. These critical area regulations may be applied concurrently with review conducted under the State Environmental Policy Act (SEPA), or other development review as adopted.
- C. In the event of a conflict with any other provisions of this chapter, that which provides more protection to the critical areas shall apply.
- D. Compliance with the provisions of this chapter does not constitute compliance with other federal, state and local regulations and permit requirements that may be required (for example, shoreline substantial development permits, HPA permits, Army Corps of Engineers Section 404 permits, NPDES permits). The applicant is responsible for complying with all requirements, apart from the process established in this chapter.

#### 16.51.040 - SEVERABILITY.

If any clause, sentence, paragraph, section, or part of this chapter, or the application thereof to any person or circumstances shall be judged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered. The decision shall not affect or invalidate the remainder of any part thereof, and to this end the provisions of each clause, sentence, paragraph, section, or part of this law are declared to be severable.

#### 16.51.050 - ADMINISTRATIVE RULES.

Applicable departments within the city of Camas are authorized to adopt such administrative rules and regulations as necessary and appropriate to implement these chapters, and to prepare and require the use of such forms as necessary for its administration. The applicant shall be responsible for the initiation, preparation, submission, and expense of all required reports, assessment(s), studies, plans, reconnaissance(s), peer review(s) by qualified consultants, and other work prepared in support of or necessary to review the application.

#### 16.51.060 - INTERPRETATION.

In the interpretation and application of the ordinance codified in this chapter, the provisions of this chapter shall be considered to be the minimum requirements necessary, shall be liberally construed to serve the purpose of the ordinance codified in this chapter, and shall be deemed to neither limit nor repeal any other provisions under state statute.

#### 16.51.070 - CRITICAL AREAS—REGULATED.

- A. Critical areas regulated by this chapter include wetlands (CMC Chapter 16.53), critical aquifer recharge areas (CMC Chapter 16.55), frequently flooded areas (CMC Chapter 16.57), geologically hazardous areas (CMC Chapter 16.59), and fish and wildlife habitat conservation areas (CMC Chapter 16.61).
- B. All areas within the city meeting the definition of one or more critical area, platted natural open space area, and conservation covenant areas, regardless of any formal identification, are designated critical areas and are subject to these provisions.

#### 16.51.080 - BEST AVAILABLE SCIENCE.

- A. Best Available Science to be Used Must be Consistent with Criteria. The best available science is that scientific information applicable to the critical area prepared by local, state, or federal natural resource agencies, a qualified scientific professional, or team of qualified scientific professionals, that is consistent with criteria established in WAC 365-195-900 through WAC 365-195-925.
- B. Absence of Valid Scientific Information. Where there is an absence of valid scientific information, or incomplete scientific information relating to a critical area, leading to uncertainty about the risk to critical area function of permitting an alteration of or impact to the critical area, the director shall:
  - 1. Limit development and land use activities until the uncertainty is sufficiently resolved; and
  - 2. Require an effective adaptive management program that relies on scientific methods to evaluate how well regulatory and nonregulatory actions protect the critical area. An adaptive management program is a formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty. An adaptive management program shall:
    - a. Address funding for the research component of the adaptive management program,
    - b. Change course based on the results and interpretation of new information that resolves uncertainties, and
    - c. Commit to the appropriate timeframe and scale necessary to reliably evaluate regulatory and nonregulatory actions affecting protection of critical areas and anadromous fisheries.

#### 16.51.090 - APPLICABILITY.

Land proposals 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.

#### 16.51.100 - EXEMPTIONS.

- A. Exempt Activities. The following developments, activities, and associated uses shall be exempt from the provisions of this title; provided, that they are otherwise consistent with the provisions of other local, state and federal laws and requirements:
  - 1. Emergencies. Emergency activities are those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of damage to private property, and that require remedial or preventative action in a timeframe too short to allow for compliance with the requirements of these provisions.

An emergency response shall utilize reasonable methods to address the emergency considering the applicable critical area(s); in addition, they must have the least possible impact to the critical area or its management zone. The person or agency undertaking such action shall notify the city within four days following commencement of the emergency activity. If the director determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then enforcement will commence;
  - 2. After the emergency, the person or agency undertaking the action shall fully restore and/or mitigate any impacts to the critical area and management zones resulting from the emergency action in accordance with an approved critical area report and mitigation plan. Restoration and/or mitigation activities must be initiated within one year of the date of the emergency, and completed in a timely manner;
  - 3. Operation, Maintenance or Repair. Operation, maintenance or repair of existing structures, infrastructure improvements, utilities, public or private roads, dikes, levees or drainage systems that do not further alter or increase the impact to, or encroach further within, the critical area or management;
  - 4. Passive Outdoor Activities. Recreation, education, and scientific research activities that do not degrade the critical area, including fishing, hiking, and bird watching. Trails must be constructed pursuant to CMC Section 16.51.120(C)(4); and
  - 5. Forest Practices. Forest practices regulated and conducted in accordance with the provisions of Chapter 76.09 RCW and forest practices regulations, Title 222 WAC, and those that are exempt from city of Camas' jurisdiction, provided that forest practice conversions are not exempt.
- B. Exempt Activities Shall Avoid Impacts to Critical Areas. All exempted activities shall use reasonable methods to avoid potential impacts to critical areas. To be exempt from these provisions does not give permission to degrade a critical area or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's expense.

#### 16.51.110 - EXCEPTION—REASONABLE USE.

- A. If the application of this title would deny all reasonable use of the subject property, the property owner may apply for an exception pursuant to this section.
- B. Exception Request and Review Process. An application for a reasonable use exception shall be made to the city and shall include a critical area application and fee; critical area report, including mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter 43.21C RCW) (SEPA documents). A staff report shall be prepared to include a recommendation to the approval authority based on review of the submitted information, a site inspection, and the proposal's ability to comply with reasonable use exception criteria in subsection D of this section.
- C. Public Hearing Required. A request for an exception under this section shall be considered through a Type III hearing process in accordance with CMC Chapter 18.55.
- D. Reasonable Use Review Criteria. The criteria for review and approval of reasonable use exceptions is:
  - 1. The application of these provisions would deny all reasonable use of the property;
  - 2. No other reasonable use of the property has less impact on the critical area;
  - 3. Any alteration is the minimum necessary to allow for reasonable use of the property; and
  - 4. The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant after the effective date of these provisions or its predecessor.
- E. Burden of Proof. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

#### 16.51.120 - ALLOWED ACTIVITIES.

- A. Critical Area Report not 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, no more than five years has elapsed since the issuance of that 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, provided that no vegetation shall be removed from a critical area or its management zone without approval from the director, are allowed:
    - 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, with hand labor and light equipment (e.g., push mowers, powered trimmers, etc.),
    - b. The removal of trees that are hazardous, posing a threat to public safety, or posing an imminent risk of damage to private property, from critical areas and management zones, provided that:
      - i. The applicant submits a report from a certified arborist, registered landscape architect, or professional forester that documents the hazard and provides a replanting schedule for the replacement trees,
      - ii. Tree cutting shall be limited to limbing and crown thinning, unless otherwise justified by a qualified professional. Where limbing or crown thinning is not sufficient to address the hazard, trees should be topped to remove the hazard rather than cut at or near the base of the tree,

- iii. 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. Tree species that are native and indigenous to the site and a minimum caliper of two inches shall be used,
  - iv. 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, and
  - 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 restoration plan that demonstrates compliance with these provisions,
- 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;
6. 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;\*
7. 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
8. Navigational Aids and Boundary Markers. Construction or modification of navigational aids and boundary markers.

\* More information on commercial and residential use of chemicals can be found in Department of Ecology "Critical Aquifer Recharge Areas: Guidance Document," Publication #05-10-028.

#### 16.51.130 - REVIEW REQUIRED.

Mapping. The approximate location and extent of critical areas are shown on the adopted critical area maps. 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, 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.

#### 16.51.140 - CRITICAL AREA REPORTING EVALUATION—REQUIREMENTS.

- A. Incorporating Best Available Science. The critical area report shall use scientifically valid methods and studies in the analysis of critical area data and field reconnaissance, and reference the source of science used. The critical area report shall evaluate the proposal and the likelihood of all probable adverse impacts to critical areas in accordance with these provisions.
- B. Minimum Report Contents. At a minimum, the report shall contain the following:
  - 1. The name and contact information of the applicant, a description of the proposal, and identification of the permit requested;
  - 2. A copy of the site plan for the development proposal showing identified critical areas, management zones, property lines, limits of any areas to be cleared, and a description of the proposed stormwater management plan for the development and consideration of impacts to drainage alterations;
  - 3. The dates, names, and qualifications of the persons preparing the report, and documentation of any fieldwork performed on the site;
  - 4. Identification and characterization of critical areas, wetlands, water bodies, and management zones within the proposed project area;
  - 5. A description of reasonable efforts made to avoid, minimize, and mitigate impacts to critical areas;
  - 6. A proposal for financial guarantees to ensure compliance; and
  - 7. Any additional information required for the critical area, as specified in the corresponding chapter.
- C. Unless otherwise provided, a critical area report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations, or previously prepared for and applicable to the development proposal site, as approved by the director.

#### 16.51.150 - CRITICAL AREA REPORT—MODIFICATIONS TO REQUIREMENTS.

- A. Limitations to Study Area. The director may limit or extend the required geographic area of the critical area report as deemed appropriate, so long as it is within the proposed site.
- B. Modifications to Required Contents. The applicant may consult with the director prior to or during preparation of the critical area report to obtain city written approval for modifications to the required contents of the report where, in the judgment of a qualified professional, more or less information is required to adequately address the probable critical area impacts and required mitigation.
- C. Additional Information May be Required. The director may require additional information to be included in the critical area report when determined to be necessary to the review of the proposed activity in accordance with these provisions. Additional information that may be required, includes, but is not limited to:
  - 1. Historical data, including original and subsequent mapping, aerial photographs, data compilations and summaries, and available reports and records relating to the site or past operations at the site;
  - 2. Grading and drainage plans; and
  - 3. Information specific to the type, location, and nature of the critical area.

#### 16.51.160 - MITIGATION REQUIREMENTS.

- A. The applicant shall avoid all impacts that degrade the functions and values of a critical area or areas. Unless otherwise provided in these provisions, if alteration to the critical area is necessary, all adverse impacts to or from critical areas and management zones resulting from a development proposal or alteration shall be mitigated in accordance with an approved critical area report and SEPA documents.
- B. Mitigation should be in-kind and on-site, when possible, and sufficient to maintain the functions and values of the critical area, and to prevent risk from a hazard posed by a critical area.
- C. Mitigation shall only be implemented after city approval of a critical area report that includes a mitigation plan; and mitigation shall be in accordance with the provisions of the approved critical area report.

#### 16.51.170 - MITIGATION SEQUENCING.

Applicants shall demonstrate that reasonable efforts have been examined with the intent to mitigate impacts to critical areas. When an alteration to a critical area is proposed, mitigation can be accomplished through a variety of methods. Generally, avoiding the impact altogether is the preferred option. Methods to reduce impacts and mitigate for them should follow a series of steps taken in sequential order:

- A. Avoiding the impact altogether by not taking a certain action or parts of an action (usually by either finding another site or changing the location on the site);
- B. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project design, developable area configuration, relocation, or timing, to avoid or reduce impacts;
- C. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;
- D. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;
- E. Compensating for the impact to critical areas by replacing, enhancing, or providing substitute resources or environments;
- F. Monitoring the hazard or other required mitigation and taking remedial action when necessary; and
- G. Rectifying the impact to critical areas by repairing, rehabilitating, or restoring the affected environment to the historical conditions, or the conditions existing at the time of the initiation of the project.

Following this process is referred to as mitigation sequencing, and mitigation for individual actions may include a combination of the measures provided in this section.

#### 16.51.180 - MITIGATION PLAN REQUIREMENTS.

When mitigation is required, the applicant shall submit to the city a mitigation plan as part of the critical area report. The mitigation plan shall include:

- A. Environmental Goals and Objectives. The mitigation plan shall include a written report identifying environmental goals and objectives of the compensation proposed and including:

1. A description of the anticipated impacts to the critical areas, the mitigating actions proposed, and the purposes of the compensation measures, including the site selection criteria, identification of compensation goals, identification of resource functions, and dates for beginning and completion of site compensation construction activities. The goals and objectives shall be related to the functions and values of the impacted critical area; and
  2. An analysis of the likelihood of success of the mitigation project.
- B. Performance Standards. The mitigation plan shall include measurable specific criteria for evaluating whether or not the goals and objectives of the mitigation project have been successfully attained, and whether or not the requirements of these provisions have been met.
- C. Detailed Construction Plans. The mitigation plan shall include written specifications and descriptions of the mitigation proposed, including but not limited to, the proposed construction sequence, timing and duration; grading and excavation details; erosion and sediment control features; a planting plan specifying plant species, quantities, locations, size, spacing and density; and, measures to protect and maintain plants until established.

These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.

- D. Monitoring Program. The mitigation plan shall include a program for monitoring construction of the compensation project and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring (for example, monitoring shall occur in years one, three, and five after site construction), and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the compensation project. The compensation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years.
- E. Contingency Plan. The mitigation plan shall include identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.
- F. Financial Guarantees. The mitigation plan shall include financial guarantees, as determined by the approval authority, to ensure that the mitigation plan is fully implemented. Financial guarantees ensuring fulfillment of the compensation project, monitoring program, and any contingency measures shall be posted consistent with these provisions.

#### 16.51.190 - INNOVATIVE MITIGATION.

The city may encourage, facilitate, and approve innovative mitigation projects. Advance mitigation or mitigation banking are examples of alternative mitigation projects allowed under the provisions of this section wherein one or more applicants, or an organization with demonstrated capability, may undertake a mitigation project together if it is demonstrated that all of the following circumstances exist:

- A. Creation or enhancement of a larger system of critical areas and open space is preferable to the preservation of many individual habitat areas;
- B. The group demonstrates the organizational and fiscal capability to act cooperatively;
- C. The group demonstrates that long-term management of the habitat area will be provided;
- D. There is a clear potential for success of the proposed mitigation at the identified mitigation site; and
- E. Conducting mitigation as part of a cooperative process does not reduce or eliminate the required replacement ratios.

#### 16.51.200 - UNAUTHORIZED CRITICAL AREA ALTERATIONS AND ENFORCEMENT.

- A. When a critical area or its management zone has been altered in violation of these provisions, all ongoing development work shall stop and the critical area shall be restored. The city shall have the authority to issue a stop work order to cease all ongoing development work, and order restoration, rehabilitation, or replacement measures at the owner's or other responsible party's expense to compensate for violation of these provisions.
- B. Restoration Plan Required. Where a violation has occurred, all development work shall remain stopped until a restoration plan is submitted by the property owner and/or violator (applicant) and approved by the city. Such a plan shall be prepared by a qualified professional and shall describe how the actions proposed meet the intent of requirements described in subsection C of this section. The director may, at the applicant's expense, seek expert advice in determining the adequacy of the plan and may impose additional requirements to mitigate critical areas issues.
- C. Minimum Performance Standards for Restoration.
  - 1. For alterations to critical aquifer recharge areas and frequently flooded areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that if the violator can demonstrate that greater functional and habitat values can be obtained, these standards may be modified:
    - a. The historic structural and functional values shall be restored, including water quality and habitat functions;
    - b. The historic soil types and configuration shall be replicated;
    - c. The critical area and management zones shall be replanted with native vegetation that replicates the vegetation historically found on the site in species types, sizes, and densities; and
    - d. The historic functions and values should be replicated at the location of the alteration.
  - 2. For alterations to frequently flooded and geological hazardous areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that, if the violator can demonstrate that greater safety can be obtained, these standards may be modified:
    - a. The hazard shall be reduced to a level equal to, or less than, the predevelopment hazard;
    - b. Any risk of personal injury resulting from the alteration shall be eliminated or minimized; and
    - c. The hazard area and management zones shall be replanted with native vegetation sufficient to minimize the hazard.
- D. Enforcement. Violations and compliance issues under these provisions are subject to enforcement under CMC Chapter 18.55.

#### 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 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 permanent signs, if required, are in place.

- 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.
  - 1. The director may condition any permit or authorization issued pursuant to this chapter to require the applicant to install a permanent fence to city specifications at the edge of the habitat conservation area or management zone, when, in the opinion of the city, fencing will reasonably minimize or prevent future impacts to the habitat conservation area.
  - 2. Fencing installed as part of a proposed activity, or as required in this subsection, shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes habitat impacts.

#### 16.51.220 - NOTICE ON TITLE.

- A. The proponent of any new development proposal which involves a critical area or management zone may be required to file a notice with the Clark County recording division of the county auditor's office. The notice, if required, shall state the presence of the critical area or management zone on the property, of the application of these provisions to the property, and the fact that limitations on actions in or affecting the critical area or management zone may exist. The notice shall run with the land.
- B. This notice on title shall not be required for a development proposal by a public agency, or public or private utility:
  - 1. Within a recorded easement or right-of-way;
  - 2. Where the agency or utility has been adjudicated the right to an easement or right-of-way; or
  - 3. On the site of a permanent public facility.
- C. The applicant shall submit proof that the notice has been filed for public record before the city approves any development proposal for the property or, in the case of subdivisions, short subdivisions, planned unit developments, and binding site plans, at or before recording.

#### 16.51.230 - NATIVE GROWTH PROTECTION AREAS (RESERVED).

#### 16.51.240 - CRITICAL AREA PROTECTIVE MECHANISM.

- A. Identified critical areas and their associated buffer or management zones shall be protected and preserved through a permanent protective mechanism acceptable to the city. This may include placing the critical area and its associated buffer or management zone in a separate tract; executing a protective easement; or dedicating the critical area and its associated buffer or management zone to a public agency, or public or private land trust. The mechanism shall provide for maintenance of the critical area and its associated buffer or management zone.
- B. If the protective mechanism includes placing the critical area and its associated buffer or management zone in a separate tract, then the critical area tract(s) shall:
  - 1. Be recorded on all documents of title of record for all affected lots;

2. Be designated on the face of the plat or recorded drawing in a format approved by the city. The designation shall include the following restriction:
  - a. An assurance that native vegetation will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, management zoning, and protecting plants and animal habitat; and
  - b. The right of the city to enforce the terms of the restriction.
- C. The city may require that any required critical area tract be dedicated to the city, or held by an incorporated homeowner's association or other legal entity.

#### 16.51.250 - BONDS TO ENSURE MITIGATION, MAINTENANCE, AND MONITORING.

- A. When mitigation required pursuant to a development proposal is not completed prior to the city final permit approval, such as final plat approval, the city shall require the applicant to post a performance bond or other security in a form and amount deemed acceptable by the city. If the development proposal is subject to mitigation, the applicant shall post a mitigation bond or other security in a form and amount deemed acceptable by the city to ensure mitigation is fully functional.
- B. The bond shall be in the amount of one hundred twenty-five percent of the estimated cost of the uncompleted actions, or the estimated cost of restoring the functions and values of the critical area that are at risk, whichever is greater.
- C. The bond may be in the form of a surety bond, performance bond, assignment of savings account, or an irrevocable letter of credit guaranteed by an acceptable financial institution with terms and conditions acceptable to the city attorney.
- D. Bonds or other security authorized by this section shall remain in effect until the city determines, in writing, that the standards bonded for have been met.
- E. Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.
- F. Public development proposals may be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed for mitigation, maintenance, monitoring, or restoration.
- G. Any failure to satisfy critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within thirty days after it is due, or comply with other provisions of an approved mitigation plan, shall constitute a default, and the city may demand payment of any financial guarantees or require other action authorized by the city code or any other law.
- H. Any funds recovered pursuant to this section shall be used to complete the required mitigation.

### CHAPTER 16.53 - WETLANDS

#### Sections:

#### 16.53.010 - PURPOSE, APPLICABILITY AND EXEMPTIONS.

- A. Purpose.

1. Wetlands constitute important natural resources which provide significant environmental functions including: the control of floodwaters, maintenance of summer stream flows, filtration of pollutants, recharge of ground water, and provision of significant habitat areas for fish and wildlife. Uncontrolled urban-density development in and adjacent to wetlands and designated buffers can eliminate or significantly reduce the ability of wetlands to provide these important functions, thereby detrimentally affecting public health, safety, and general welfare.
  2. It is the purpose of this chapter to provide balanced wetland protection measures which:
    - a. Further the goal of no net loss of wetland acreage and functions;
    - b. Encourage restoration and enhancement of degraded and low quality wetlands;
    - c. Provide a greater level of protection for higher-quality wetlands;
    - d. Maintain consistency with federal wetland protective measures; and
    - e. Respect the rights of property owners by allowing reasonable use of property.
- B. Applicability.
1. The provisions of this chapter apply to all lands, all land uses and development activity, and all structures and facilities in the city, whether or not a permit or permit authorization is required, and shall apply to every person, firm, partnership, corporation, group, governmental agency, or other entity that owns, leases, or administers land within the city. No person, company, agency, or applicant shall alter a wetland or wetland buffer except as consistent with this chapter.
  2. The city will not approve any permit or otherwise issue any authorization to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement in, over, or on a wetland or wetland buffer, without first ensuring compliance with the requirements of this chapter, including, but not limited to, the following development permits:
    - a. Building permit;
    - b. Grading permit;
    - c. Forest practices conversion permit;
    - d. Conditional use permit;
    - e. Shoreline conditional use permit;
    - f. Shoreline substantial development permit;
    - g. Shoreline variance;
    - h. Short subdivision;
    - i. Subdivision;
    - j. Planned residential development;
    - k. Master plan;
    - l. Binding site plan; or
    - m. Site plan or site plan review.
  3. Reasonable Use Exceptions. The following exceptions shall apply in implementing the standards of this chapter, although the standards shall be applied to the maximum extent practicable to avoid and minimize impacts on wetland functions and values. Mitigation for unavoidable adverse impacts shall be required. The standards of this chapter shall not be used to preclude the following activities in wetland areas:
    - a. The placement of a single-family residence and normal accessory structures on an otherwise legally buildable lot of record. Standards may be applied on established properties to limit the proposed location and size of structures, and proposed removal of vegetation.

- i. The expansion of a home on a lot that does not show building or development envelopes, wetlands or wetland buffers on the recorded plat, not to exceed twenty-five percent of the existing building footprint,
    - ii. The replacement of single-wide mobile home with another dwelling and normal accessory structures, and
    - iii. Fire hazard clearing recommended by the fire marshal, or consistent with written fire marshal or fire chief guidelines;
  - b. The standards of this chapter shall not be used to deny all reasonable economic use of private property. The following criteria must be met in order to verify that all reasonable economic use of the property has been denied:
    - i. The application of this chapter would deny all reasonable economic use of the property,
    - ii. No other reasonable economic use of the property has less impact on the wetland and buffer area,
    - iii. Any wetland or buffer alteration is the minimum necessary to allow for reasonable economic use of the property, and
    - iv. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant after the date of adoption of the ordinance codified in this chapter;
  - c. The application of this chapter shall not be used to deny a development proposal for a linear facility from a public agency or public utility, provided the agency or utility meets the following criteria:
    - i. There is no practical alternative to the proposed project with less impact on the wetland and buffer area, and
    - ii. The application of this chapter would unreasonably restrict the ability to provide public utility services to the public.
4. Approval of a development permit application pursuant to the provisions of this chapter does not discharge the obligation of the applicant to comply with the provisions of this chapter.

#### C. Exemptions.

1. Exempt Activities and Impacts to Wetlands. All exempted activities shall use reasonable methods to avoid potential impacts to wetlands and buffers. Exemptions from permits are not exemptions from wetland stewardship responsibilities. The following developments, activities, and associated uses shall be exempt from the provisions of this chapter; provided, that they are otherwise consistent with the provisions of other local, state, and federal laws and requirements:
  - a. Reconstruction of damaged or destroyed structures within the same building footprint. Expansion or reconstruction within a new or expanded footprint that affects a nonexempt wetland or wetland buffer is subject to the provisions of this title.
  - b. The harvesting or normal maintenance of vegetation in a manner that is not injurious to the natural reproduction of such vegetation.
  - c. Existing agricultural activities and structures:
    - i. Agricultural activities and structures in operation at the time of adoption of the ordinance codified in this chapter that are affecting wetlands not associated with a riparian corridor are exempt from regulation under this chapter,
    - ii. Changes in agricultural practices within the same "footprint" as the existing agricultural activities in subsection (C)(1)(c)(i) of this section, including reconstruction of existing agricultural structures, or construction of new agricultural structures, are exempt from regulation under this chapter,

- iii. Agricultural activities and structures in operation at the time of adoption of the ordinance codified in this chapter that are affecting wetlands associated with riparian corridors shall be regulated through CMC Chapter 16.61.
  - d. The removal or eradication of noxious weeds so designated in Title 8 of this code or other exotic nuisance plants including nonnative blackberries; provided, that ground disturbing heavy machinery (scraping, ripping, etc.) is not used. Cutting, mowing, and ground disturbance with hand tools is allowed.
  - e. Site investigative work necessary for land use application submittals such as surveys, soil logs, and percolation tests.
  - f. Emergency clearing to abate immediate danger to persons or property. For emergency clearing of hazard trees, remove only that portion of the hazard tree as necessary to remediate the hazard.
  - g. Clearing necessary for the emergency repair of utility or public facilities. Notification of emergency work that causes substantial degradation to functions and values must be reported in a timely manner.
  - h. Clearing for operation, maintenance, or repair of existing utilities or public facilities that does not further increase the impact to, or encroach further within, the wetland or wetland buffer.
  - i. Clearing, as minimally necessary, for placement of fencing, private wells, septic systems, or individual lot sewer, water, electrical, or utility connections in wetland buffers, where practical alternatives do not exist.
  - j. Clearing, as minimally necessary, for stream bank restoration, for native replanting, or enhancements in wetlands and wetland buffers.
  - k. Clearing, as minimally necessary, for soil, water, vegetation, and resource conservation projects having received an environmental permit from a public agency in wetlands and wetland buffers.
  - l. Clearing, as minimally necessary, for creating a four-foot or narrower path using natural, wood-based, or vegetated pervious surfacing in wetlands and wetland buffers.
  - m. Land disturbance in wetlands and wetland buffers cumulatively less than five cubic yards in volume and three hundred square feet in area; provided, that the wetland hydroperiod is not significantly affected.
2. Exempted Wetlands. This chapter shall not apply to the following wetlands:
- a. Small. Isolated Category III wetlands less than two thousand five hundred square feet in area, and isolated Category IV wetlands less than four thousand three hundred fifty square feet in area;
  - b. Artificial. Wetlands created from nonwetland sites including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, stormwater facilities, farm ponds, and landscape amenities; provided, that wetlands created as mitigation shall not be exempted;
  - c. Riparian. Wetlands fully within five feet, measured horizontally, of bank-full width for streams and the ordinary high water mark for lakes which are regulated under the State Shorelines Management Act (Chapter 90.58 RCW) or under CMC Chapter 16.61, are exempt.

D. Interpretation.

- 1. This chapter shall apply in addition to zoning and other regulations adopted by the city.
- 2. When there is a conflict between any provisions of this chapter or any other regulations adopted by the city of Camas, that providing the most protection to affected critical areas shall apply.

3. Compliance with this chapter does not constitute compliance with other federal, state and local regulations and permit requirements (for example, shoreline substantial development permits, hydraulic project approval (HPA) permits, Section 106 of the National Historic Preservation Act, U.S. Army Corps of Engineers Section 404 permits, National Pollutant Discharge Elimination System (NPDES) permits, or DOE Section 401 Water Quality Certification). The applicant is responsible for complying with all requirements, apart from the provisions of this chapter.

#### 16.53.020 - RATING SYSTEM.

- A. Designating Wetlands. Wetlands are those areas, designated in accordance with the approved federal wetland delineation manual and applicable regional supplements, that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. All areas within the city of Camas meeting the wetland designation criteria in the approved federal wetland delineation manual and applicable regional supplements, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this title.
- B. Wetland Rating System. Wetlands shall be rated according to the Washington State Department of Ecology (ecology) wetland rating system found in *Washington State Wetland Rating System for Western Washington—2014 Update* (Revised, Ecology Publication #14-06-029, October 2014) or most current edition. The rating system document contains the definitions and methods for determining if the criteria below are met:

1. Wetland Rating Categories.

- a. Category I. Category I wetlands are those that meet one or more of the following criteria:

- i. Wetlands that are identified by scientists of the Washington Natural Heritage Program, Department of Natural Resources (DNR) as wetlands with high conservation value;
- ii. Bogs;
- iii. Mature and old growth forested wetlands larger than one acre;
- iv. Wetlands that perform many functions well, as indicated by scoring twenty-three points or more in the rating system.

Category I wetlands represent a unique or rare wetland type, are more sensitive to disturbance than most wetlands, are relatively undisturbed and contain some ecological attributes that are impossible to replace within a human lifetime, or provide a very high level of functions.

- b. Category II. Category II wetlands are those with a moderately high level of function, as indicated by scoring between twenty and twenty-two points in the ecology rating system.

Category II wetlands are difficult, though not impossible, to replace, and provide high levels of some functions. These wetlands occur more commonly than Category I wetlands, but they still need a relatively high level of protection.

- c. Category III. Category III wetlands are those with a moderate level of functions, as indicated by scoring between sixteen and nineteen points in the ecology rating system. Generally, wetlands in this category have been disturbed in some way and are often less diverse or more isolated from other natural resources in the landscape than Category II wetlands.

- d. Category IV. Category IV wetlands have the lowest levels of functions and are often heavily disturbed. They are characterized by a score of fewer than sixteen points in the rating system. These are wetlands that should be replaceable, and in some cases may be improved. However, experience has shown that replacement cannot be guaranteed in any specific case. These wetlands may provide some important functions, and should be protected to some degree.

2. Date of Wetland Rating. Wetland rating categories shall be applied as the wetland exists on the date of adoption of the rating system by the local government, as the wetland naturally changes thereafter, or as the wetland changes in accordance with permitted activities. Wetland rating categories shall not change due to illegal modifications.

#### 16.53.030 - CRITICAL AREA REPORT—ADDITIONAL REQUIREMENTS FOR WETLANDS.

- A. Prepared by a Qualified Professional. A critical areas report for wetlands shall be prepared by a qualified professional who is a wetland biologist with experience preparing wetland reports.
- B. Area Addressed in Critical Area Report. In addition to the requirements of Chapter 16.51, the following areas shall be addressed in a critical area report for wetlands:
  1. Within a subject parcel or parcels, the project area of the proposed activity;
  2. All wetlands and recommended buffer zones within three hundred feet of the project area within the subject parcel or parcels;
  3. All shoreline areas, water features, floodplains, and other critical areas, and related buffers within three hundred feet of the project area within the subject parcel or parcels;
  4. The project design and the applicability of the buffers based on the proposed layout and the level of land use intensity; and
  5. Written documentation from the qualified professional demonstrating compliance with the requirements of this chapter.
- C. Wetland Determination. In conjunction with the submittal of a development permit application, the responsible official shall determine the probable existence of a wetland on the subject parcel. If wetland or wetland buffers are found to be likely to exist on the parcel, wetland delineation is required.
- D. Wetland Delineation.
  1. Methodology. Wetland delineation shall be determined in accordance with the approved federal wetland delineation manual and applicable regional supplements.
  2. Information Requirements. Wetland boundaries shall be staked and flagged in the field and a delineation report shall be submitted to the department. The report shall include the following information:
    - a. USGS quadrangle map with site clearly defined;
    - b. Topographic map of area;
    - c. National wetland inventory map showing site;
    - d. Soil conservation service soils map showing site;
    - e. Site map, at a scale no smaller than one inch equals one hundred feet (a scaling ratio of one is to one thousand two hundred), if practical, showing the following information:
      - i. Wetland boundaries;
      - ii. Sample sites and sample transects;
      - iii. Boundaries of forested areas;
      - iv. Boundaries of wetland classes if multiple classes exist;
    - f. Discussion of methods and results with special emphasis on technique used from the approved federal wetland delineation manual and applicable regional supplements;

- g. Acreage of each wetland on the site based on the survey if the acreage will impact the buffer size determination or the project design;
    - h. All completed field data sheets per the approved federal wetland delineation manual and applicable regional supplements, numbered to correspond to each sample site.
- E. Wetland Analysis. In addition to the minimum required contents of subsection D of this section, and in addition to Section 16.51.140, a critical area report for wetlands shall contain an analysis of the wetlands including the following site- and proposal-related information at a minimum:
  - 1. A discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve existing wetlands and restore any wetlands that were degraded prior to the current proposed land use activity.
  - 2. Proposed mitigation, if needed, including a written assessment and accompanying maps of the mitigation area, including the following information at a minimum:
    - a. Existing and proposed wetland acreage;
    - b. Vegetative, faunal, and hydrologic conditions;
    - c. Relationship within watershed, and to existing water bodies;
    - d. Soil and substrate conditions, topographic elevations;
    - e. Existing and proposed adjacent site conditions;
    - f. Required wetland buffers; and
    - g. Property ownership.
  - 3. A discussion of ongoing management practices that will protect wetlands after the project site has been developed; including proposed monitoring and maintenance programs.

When deemed appropriate, the director may also require the critical area report to include an evaluation by the Department of Ecology or an independent qualified expert regarding the applicant's analysis, and the effectiveness of any proposed mitigating measures or programs, and to include any recommendations as appropriate.

#### 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.

Buffers. Wetland buffer widths shall be determined by the responsible official in accordance with the standards below:

- 1. All buffers shall be measured horizontally outward from the delineated wetland boundary or, in the case of a stream with no adjacent wetlands, the ordinary high water mark as surveyed in the field.
- 2. Buffer widths are established by comparing the wetland rating category and the intensity of land uses proposed on development sites per Tables 16.53.040-1, 16.53.040-2, 16.53.040-3 and 16.53.040-4. For Category IV wetlands, the required water quality buffers, per Table 16.53.040-1, are adequate to protect habitat functions.

**TABLE 16.53.040-1. BUFFERS REQUIRED TO PROTECT WATER QUALITY FUNCTIONS**

Wetland Rating	Low Intensity Use	Moderate Intensity Use	High Intensity Use
Category I	50 ft.	75 ft.	100 ft.
Category II	50 ft.	75 ft.	100 ft.
Category III	40 ft.	60 ft.	80 ft.
Category IV	25 ft.	40 ft.	50 ft.

**TABLE 16.53.040-2. BUFFERS REQUIRED TO PROTECT HABITAT FUNCTIONS IN CATEGORY I AND II WETLANDS**

Habitat Score in the Rating Form	Low Intensity Use	Moderate Intensity Use	High Intensity Use
4 points or less	See Table 16.53.040-1	See Table 16.53.040-1	See Table 16.53.040-1
5	70 ft.	105 ft.	140 ft.
6	90 ft.	135 ft.	180 ft.
7	110 ft.	165 ft.	220 ft.
8	130 ft.	195 ft.	260 ft.
9 points or greater	150 ft.	225 ft.	300 ft.

**TABLE 16.53.040-3. BUFFERS REQUIRED TO PROTECT HABITAT FUNCTIONS IN CATEGORY III WETLANDS**

Habitat Score in the Rating Form	Low Intensity Use	Moderate Intensity Use	High Intensity Use
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4 points or less	See Table 16.53.040-1	See Table 16.53.040-1	See Table 16.53.040-1
5	60 ft.	90 ft.	120 ft.
6	65 ft.	100 ft.	135 ft.
7	75 ft.	110 ft.	150 ft.
8	130 ft.	195 ft.	260 ft.
9	150 ft.	225 ft.	300 ft.

TABLE 16.53.040-4. LAND USE INTENSITY MATRIX<sup>1</sup>

	Parks and Recreation	Streets and Roads	Stormwater Facilities	Utilities	Commercial/Industrial	Residential <sup>2</sup>
Low	Natural fields and grass areas, viewing areas, split rail fencing	NA	Outfalls, spreaders, constructed wetlands, bioswales, vegetated detention basins, overflows	Underground and overhead utility lines, manholes, power poles (without footings)	NA	Density at or lower than 1 unit per 5 acres
Moderate	Impervious trails, engineered fields, fairways	Residential driveways and access roads	Wet ponds	Maintenance access roads	NA	Density between 1 unit per acre and higher than 1 unit per 5 acres
High	Greens, tees, structures, parking, lighting, concrete or gravel pads,	Public and private streets, security fencing,	Maintenance access roads, retaining walls, vaults, infiltration basins, sedimentation fore	Paved or concrete surfaces, structures, facilities, pump stations, towers,	All site development	Density higher than 1 unit per acre

	security fencing	retaining walls	bays and structures, security fencing	vaults, security fencing, etc.		
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<sup>1</sup> The responsible official shall determine the intensity categories applicable to proposals should characteristics not be specifically listed in Table 16.53.060-4.

<sup>2</sup> Measured as density averaged over a site, not individual lot sizes.

3. Where a residential plats and subdivisions is proposed within shoreline jurisdiction, wetlands and wetland buffers shall be placed within a non-buildable tract 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. 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.

2. Permanent Marking of Buffer Area. A permanent physical demarcation along the upland boundary of the wetland buffer area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedge row, fencing, or other prominent physical marking approved by the responsible official. In addition, small signs shall be posted at an interval of one per lot or every one hundred feet, whichever is less, and perpetually maintained at locations along the outer perimeter of the wetland buffer as approved by the responsible official, and worded substantially as follows:

**Wetland and Buffer—Please retain in a natural state.**

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.

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##### A. GENERAL.

1. A wetland permit is required for any development activity that is not exempt pursuant to Section 16.53.010(C) within wetlands and wetland buffers.
2. Standards for wetland permits are provided in subsections B, C and D of this section.
3. All wetland permits require approval of a preliminary and final enhancement/mitigation plan in accordance with the provisions of subsection E of this section unless the preliminary enhancement/mitigation plan requirement is waived under the provisions of subsection (E)(2) of this section.
4. Wetland permit application, processing, preliminary approval, and final approval procedures are set out in subsections F through I of this section.
5. Provisions for programmatic permits are provided by subsection K of this section.
6. Provisions for emergency wetland permits are provided by subsection L of this section.

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##### B. STANDARDS—GENERAL. WETLAND PERMIT APPLICATIONS SHALL BE BASED UPON A MITIGATION PLAN AND SHALL SATISFY THE FOLLOWING GENERAL REQUIREMENTS:

1. The proposed activity shall not cause significant degradation of wetland functions;
2. The proposed activity shall comply with all state, local, and federal laws, including those related to sediment control, pollution control, floodplain restrictions, stormwater management, and on-site wastewater disposal.

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C. BUFFER STANDARDS AND AUTHORIZED ACTIVITIES. THE FOLLOWING ADDITIONAL STANDARDS APPLY FOR REGULATED ACTIVITIES IN A WETLAND BUFFER TO ENSURE NO NET LOSS OF ECOLOGICAL FUNCTIONS AND VALUES:

1. Buffer Reduction Incentives. Standard buffer widths may be reduced under the following conditions, provided that functions of the post-project wetland are equal to or greater after use of these incentives.
  - a. Lower Impact Land Uses. The buffer widths recommended for proposed land uses with high-intensity impacts to wetlands can be reduced to those recommended for moderate-intensity impacts if both of the following criteria are met:
    - i. A relatively undisturbed, vegetated corridor at least one hundred feet wide is protected between the wetland and any other priority habitats that are present as defined by the Washington State Department of Fish and Wildlife [W](#); and
    - ii. Measures to minimize the impacts of the land use adjacent to the wetlands are applied, such as infiltration of stormwater, retention of as much native vegetation and soils as possible, direction of noise and light away from the wetland, and other measures that may be suggested by a qualified wetland professional.
  - b. Restoration. Buffer widths may be reduced up to twenty-five percent if the buffer is restored or enhanced from a pre-project condition that is disturbed (e.g., dominated by invasive species), so that functions of the post-project wetland and buffer are equal or greater. To the extent possible, restoration should provide a vegetated corridor of a minimum one hundred feet wide between the wetland and any other priority habitat areas as defined by the Washington State Department of Fish and Wildlife. The habitat corridor must be protected for the entire distance between the wetland and the priority habitat area by some type of permanent legal protection such as a covenant or easement. The restoration plan must meet requirements in subsection D of this section for a mitigation plan, and this section for a critical area report.
  - c. Combined Reductions. Buffer width reductions allowed under subsections (C)(1)(a) and (C)(1)(b) of this section may be added provided that minimum buffer widths shall never be less than seventy-five percent of required buffer width for all Categories I and II, or less than fifty feet for Category III wetlands, and twenty-five feet for all Category IV wetlands.
2. Buffer Averaging. Averaging buffers is allowed in conjunction with any of the other provisions for reductions in buffer width (listed in subsection (C)(1) of this section) provided that minimum buffer widths listed in subsection (C)(1)(c) of this section are adhered to. The community development department shall have the authority to average buffer widths on a case-by-case basis, where a qualified wetlands professional demonstrates, as part of a critical area report, that all of the following criteria are met:
  - a. The total area contained in the buffer after averaging is no less than that contained within the buffer prior to averaging;
  - b. Decreases in width are generally located where wetland functions may be less sensitive to adjacent land uses, and increases are generally located where wetland functions may be more sensitive to adjacent land uses, to achieve no net loss or a net gain in functions;
  - c. The averaged buffer, at its narrowest point, shall not result in a width less than seventy-five percent of the required width, provided that minimum buffer widths shall never be less than fifty feet for all Category I, Category II, and Category III wetlands, and twenty-five feet for all Category IV wetlands; and
  - d. Effect of Mitigation. If wetland mitigation occurs such that the rating of the wetland changes, the requirements for the category of the wetland after mitigation shall apply.
3. Stormwater Facilities. Stormwater facilities are only allowed in buffers of wetlands with low habitat function (less than four points on the habitat section of the rating system form); provided, the

facilities shall be built on the outer edge of the buffer and not degrade the existing buffer function, and are designed to blend with the natural landscape. Unless determined otherwise by the responsible official, the following activities shall be considered to degrade a wetland buffer when they are associated with the construction of a stormwater facility:

- a. Removal of trees greater than four inches diameter at four and one-half feet above the ground or greater than twenty feet in height;
  - b. Disturbance of plant species that are listed as rare, threatened, or endangered by the city, county, or any state or federal management agency;
  - c. The construction of concrete structures, other than manholes, inlets, and outlets that are exposed above the normal water surface elevation of the facility;
  - d. The construction of maintenance and access roads;
  - e. Slope grading steeper than four to one horizontal to vertical above the normal water surface elevation of the stormwater facility;
  - f. The construction of pre-treatment facilities such as fore bays, sediment traps, and pollution control manholes;
  - g. The construction of trench drain collection and conveyance facilities;
  - h. The placement of fencing; and
  - i. The placement of rock and/or riprap, except for the construction of flow spreaders, or the protection of pipe outfalls and overflow spillways; provided that buffer functions for areas covered in rock and/or riprap are replaced.
4. Road and Utility Crossings. Crossing buffers with new roads and utilities is allowed provided all the following conditions are met:
- a. Buffer functions, as they pertain to protection of the adjacent wetland and its functions, are replaced; and
  - b. Impacts to the buffer and wetland are minimized.
5. Other Activities in a Buffer. Regulated activities not involving stormwater management, road and utility crossings, or a buffer reduction via enhancement are allowed in the buffer if all the following conditions are met:
- a. The activity is temporary and will cease or be completed within three months of the date the activity begins;
  - b. The activity will not result in a permanent structure in or under the buffer;
  - c. The activity will not result in a reduction of buffer acreage or function;
  - d. The activity will not result in a reduction of wetland acreage or function.

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

1. Sequencing. Applicants shall demonstrate that a range of project alternatives have been given substantive consideration with the intent to avoid or minimize impacts to wetlands. Documentation must demonstrate that the following hierarchy of avoidance and minimization has been pursued:
  - a. Avoid impacts to wetlands unless the responsible official finds that:
    - i. For Categories I and II wetlands, avoiding all impact is not in the public interest or will deny all reasonable economic use of the site;
    - ii. For Categories III and IV wetlands, avoiding all impact will result in a project that is either:

- (A) Inconsistent with the city of Camas comprehensive plan;
    - (B) Inconsistent with critical area conservation goals; or
    - (C) Not feasible to construct.
  - b. Minimize impacts to wetlands if complete avoidance is infeasible. The responsible official must find that the applicant has limited the degree or magnitude of impact to wetlands by using appropriate technology and by taking affirmative steps to reduce impact through efforts such as:
    - i. Seeking easements or agreements with adjacent land owners or project proponents where appropriate;
    - ii. Seeking reasonable relief that may be provided through application of other city zoning and design standards;
    - iii. Site design; and
    - iv. Construction techniques and timing.
  - c. Compensate for wetland impacts that will occur, after efforts to minimize have been exhausted. The responsible official must find that:
    - i. The affected wetlands are restored to the conditions existing at the time of the initiation of the project;
    - ii. Unavoidable impacts are mitigated in accordance with this subsection; and
    - iii. The required mitigation is monitored and remedial action is taken when necessary to ensure the success of mitigation activities.
2. Location of Wetland Mitigation. Wetland mitigation for unavoidable impacts shall be located using the following prioritization:
- a. On-Site. Locate mitigation according to the following priority:
    - i. Within or adjacent to the same wetland as the impact;
    - ii. Within or adjacent to a different wetland on the same site;
  - b. Off-Site. Locate mitigation within the same watershed or use an established wetland mitigation bank; the service area determined by the mitigation bank review team and identified in the executed mitigation bank instrument;
  - c. In-Kind. Locate or create wetlands with similar landscape position and the same hydro-geomorphic (HGM) classification based on a reference to a naturally occurring wetland system; and
  - d. Out-of-Kind. Mitigate in a different landscape position and/or HGM classification based on a reference to a naturally occurring wetland system.
3. Types of Wetland Mitigation. The various types of wetland mitigation allowed are listed below in the general order of preference.
- a. Restoration. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into:
    - i. Re-Establishment. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.
    - ii. Rehabilitation. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a degraded wetland.

Re-establishment results in a gain in wetland function, but does not result in a gain in wetland acres. Activities could involve breaching a dike to reconnect wetlands to a floodplain or return tidal influence to a wetland.

- b. Creation (Establishment). The manipulation of the physical, chemical, or biological characteristics of a site with the goal of developing a wetland on an upland or deepwater site where a wetland did not previously exist. Establishment results in a gain in wetland acres. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species.
- c. Enhancement. The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify, or improve the specific function(s), or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, floodwater retention, or wildlife habitat. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations, or the proportion of open water to influence hydroperiods, or some combination of these activities.
- d. Protection/Maintenance (Preservation). Removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This includes the purchase of land or easements, repairing water control structures or fences, or structural protection such as repairing a barrier island. This term also includes activities commonly associated with the term preservation.

Preservation does not result in a gain of wetland acres, but may result in improved wetland functions.

4. Wetland Mitigation Ratios.

- a. Standard Wetland Mitigation Ratios. The following mitigation ratios for each of the mitigation types described in subsections (D)(3)(a) through (D)(3)(c) of this section apply:

**TABLE 16.53.050-1. STANDARD WETLAND MITIGATION RATIOS (IN AREA)**

Wetland to be Replaced	Reestablishment or Creation	Rehabilitation	Reestablishment or Creation and Rehabilitation	Reestablishment or Creation and Enhancement	Enhancement
Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1
Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category I, Forested	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1
Category I, Based on	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1

Score for Functions					
Category I, Natural Heritage Site	Not considered possible	6:1 Rehabilitate a natural heritage site	N/A	N/A	Case-by-case

- b. Preservation. The responsible official has the authority to approve preservation of existing wetlands as wetland mitigation under the following conditions:
- i. The wetland area being preserved is a Category I or II wetland, or is within a WDFW priority habitat or species area;
  - ii. The preservation area is at least one acre in size;
  - iii. The preservation area is protected in perpetuity by a covenant or easement that gives the city clear regulatory and enforcement authority to protect existing wetland and wetland buffer functions with standards that exceed the protection standards of this chapter;
  - iv. The preservation area is not an existing or proposed wetland mitigation site; and
  - v. The following preservation/mitigation ratios apply:

TABLE 16.53.050-2. WETLAND PRESERVATION RATIOS FOR CATEGORIES I AND II WETLANDS (IN AREA)

Habitat Function of Wetland to be Replaced	In addition to Standard Mitigation		As the Only Means of Mitigation	
	Full and Functioning Buffer	Reduced and/or Degraded Buffer	Full and Functioning Buffer	Reduced and/or Degraded Buffer
Low (3—4 points)	10:1	14:1	20:1	30:1
Moderate (5—7 points)	13:1	17:1	30:1	40:1
High (8—9 points)	16:1	20:1	40:1	50:1

- c. The responsible official has the authority to reduce wetland mitigation ratios under any of the following circumstances:
- i. Documentation by a qualified wetland specialist demonstrates that the proposed mitigation actions have a very high likelihood of success based on prior experience;

- ii. Documentation by a qualified wetland specialist demonstrates that the proposed actions for compensation will provide functions and values that are significantly greater than the wetland being affected;
  - iii. The proposed actions for compensation are conducted in advance of the impact and are shown to be successful;
  - iv. In wetlands where several HGM classifications are found within one delineated wetland boundary, the areas of the wetlands within each HGM classification can be scored and rated separately and the mitigation ratios adjusted accordingly, if all the following apply:
    - (A) The wetland does not meet any of the criteria for wetlands with "Special Characteristics," as defined in the rating system;
    - (B) The rating and score for the entire wetland is provided, as well as the scores and ratings for each area with a different HGM classification;
    - (C) Impacts to the wetland are all within an area that has a different HGM classification from the one used to establish the initial category; and
    - (D) The proponents provide adequate hydrologic and geomorphic data to establish that the boundary between HGM classifications lies at least fifty feet outside of the footprint of the impacts.
5. Alternate Wetland Mitigation.
- a. Wetland Mitigation Banks.
    - i. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:
      - (A) The bank is certified under state rules;
      - (B) The administrator determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and
      - (C) The proposed use of credits is consistent with the terms and conditions of the certified bank instrument.
    - ii. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the certified bank instrument.
    - iii. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the certified bank instrument. In some cases, the service area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.
  - b. In-Lieu Fee. To aid in the implementation of off-site mitigation, the city may develop an in-lieu fee program. This program shall be developed and approved through a public process and be consistent with federal rules, state policy on in-lieu fee mitigation, and state water quality regulations. An approved in-lieu-fee program sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the in-lieu program sponsor, a governmental or nonprofit natural resource management entity. Credits from an approved in-lieu-fee program may be used when subsections i through vi below apply:
    - i. The approval authority determines that it would provide environmentally appropriate compensation for the proposed impacts.
    - ii. The mitigation will occur on a site identified using the site selection and prioritization process in the approved in-lieu-fee program instrument.
    - iii. The proposed use of credits is consistent with the terms and conditions of the approved in-lieu-fee program instrument.

- iv. Land acquisition and initial physical and biological improvements of the mitigation site must be completed within three years of the credit sale.
  - v. Projects using in-lieu-fee credits shall have debits associated with the proposed impacts calculated by the applicant's qualified wetland scientist using the method consistent with the credit assessment method specified in the approved instrument for the in-lieu-fee program.
  - vi. Credits from an approved in-lieu-fee program may be used to compensate for impacts located within the service area specified in the approved in-lieu-fee instrument.
- c. Compensatory mitigation credits may be issued for unavoidable impacts in the following cases:
- i. Residential building permits where on-site enhancement and/or preservation is not adequate to meet the requirements of subsection (D)(4) of this section;
  - ii. Approved reasonable use exceptions where sufficient on-site wetland and wetland buffer mitigation is not practical;
  - iii. Small impacts affecting less than 0.10 acre of wetland where on-site enhancement and/or preservation is not adequate to meet the requirements of subsection (D)(4) of this section; or
  - iv. As an additional mitigation measure when all other mitigation options have been applied to the greatest extent practicable.
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.

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E. MITIGATION PLANS.

- 1. General. Mitigation plans are required for activities in a buffer or wetland. Content requirements which are inappropriate and inapplicable to a project may be waived by the responsible official upon request of the applicant at or subsequent to the pre-application consultation provided for in subsection (F)(1) of this section.
- 2. Preliminary Mitigation Plan. The purpose of the preliminary plan is to determine the feasibility of the project before extensive resources are devoted to the project. The responsible official may waive the requirement for a preliminary mitigation plan when a wetland permit is not associated with a development permit application (listed in Section 16.53.010(B)). The preliminary mitigation plan consists of two parts: baseline information for the site and a conceptual plan. If off-site

wetland mitigation is proposed, baseline information for both the project site and mitigation site is required.

- a. Baseline information shall include:
  - i. Wetland delineation report as described in Section 16.53.030(D)(2);
  - ii. Copies of relevant wetland jurisdiction determination letters, if available, such as determinations of prior converted crop lands, correspondence from state and federal agencies regarding prior wetland delineations, etc.;
  - iii. Description and maps of vegetative conditions at the site;
  - iv. Description and maps of hydrological conditions at the site;
  - v. Description of soil conditions at the site based on a preliminary on-site analysis;
  - vi. A topographic map of the site; and
  - vii. A functional assessment of the existing wetland and buffer.
    - (A) Application of the rating system in Section 16.53.020(B) will generally be considered sufficient for functional assessment;
    - (B) The responsible official may accept or request an alternate functional assessment methodology when the applicant's proposal requires detailed consideration of specific wetland functions;
    - (C) Alternate functional assessment methodologies used shall be scientifically valid and reliable.
- b. The contents of the conceptual mitigation plan shall include:
  - i. Goals and objectives of the proposed project;
  - ii. A wetland buffer width reduction plan, if width reductions are proposed, that includes:
    - (A) The land use intensity, per Table 16.53.040-4, of the various elements of the development adjacent to the wetlands;
    - (B) The wetland buffer width(s) required by Tables 16.53.040-1, 16.53.040-2 and 16.53.040-3;
    - (C) The proposed buffer width reductions, including documentation that proposed buffer width reductions fully protect the functions of the wetland in compliance with subsection C of this section;
  - iii. A wetland mitigation plan that includes:
    - (A) A sequencing analysis for all wetland impacts;
    - (B) A description of all wetland impacts that require mitigation under this chapter; and
    - (C) Proposed mitigation measures and mitigation ratios;
  - iv. Map showing proposed wetland and buffer. This map should include the existing and proposed buffers and all proposed wetland impacts regulated under this chapter;
  - v. Site plan;
  - vi. Discussion and map of plant material to be planted and planting densities;
  - vii. Preliminary drainage plan identifying location of proposed drainage facilities, including detention structures and water quality features (e.g., swales);
  - viii. Discussion of water sources for all wetlands on the site;
  - ix. Project schedule;

- x. Discussion of how the completed project will be managed and monitored; and
  - xi. A discussion of contingency plans in case the project does not meet the goals initially set for the project.
3. Final Mitigation Plan. The contents of the final mitigation plan shall include:
- a. The approved preliminary mitigation plan and all conditions imposed on that plan. If the preliminary mitigation plan requirement is waived, the final plan shall include the content normally required for the preliminary plan listed in this section.
  - b. Performance Standards. Specific criteria shall be provided for evaluating whether or not the goals and objectives of the mitigation project are being met. Such criteria may include water quality standards, survival rates of planted vegetation, species abundance and diversity targets, habitat diversity indices, or other ecological, geological, or hydrological criteria.
  - c. Detailed Construction Plans. Written specifications for the mitigation project shall be provided. The specifications shall include: the proposed construction sequence, grading and excavation details, water and nutrient requirements for planting, specification of substrate stockpiling techniques, and planting instructions, as appropriate. These written specifications shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.
  - d. Monitoring Program. The mitigation plan shall include a description of a detailed program for monitoring the success of the mitigation project.
    - i. The mitigation project shall be monitored for a period necessary to establish that the mitigation is successful, but not for a period of less than five years. Creation of forested wetland mitigation projects shall be monitored for a period of at least ten years;
    - ii. Monitoring shall be designed to measure the performance standards outlined in the mitigation plan and may include but not be limited to:
      - (A) Establishing vegetation plots to track changes in plant species composition and density over time;
      - (B) Using photo stations to evaluate vegetation community response;
      - (C) Sampling surface and subsurface waters to determine pollutant loading, and changes from the natural variability of background conditions (pH, nutrients, heavy metals);
      - (D) Measuring base flow rates and stormwater runoff to model and evaluate water quality predictions, if appropriate;
      - (E) Measuring sedimentation rates, if applicable; and
      - (F) Sampling fish and wildlife populations to determine habitat utilization, species abundance and diversity;
    - iii. A monitoring protocol shall be included outlining how the monitoring data will be evaluated by agencies that are tracking the progress of the project;
    - iv. Monitoring reports shall be submitted annually, or on a pre-arranged alternate schedule, for the duration of monitoring period;
    - v. Monitoring reports shall analyze the results of monitoring, documenting milestones, successes, problems, and recommendations for corrective and/or contingency actions to ensure success of the mitigation project.
  - e. Associated Plans and Other Permits. To ensure consistency with the final mitigation plan, associated plans and permits shall be submitted, including, but not limited to:
    - i. Engineering construction plans;

- ii. Final site plan or proposed plat;
  - iii. Final landscaping plan;
  - iv. Habitat permit;
  - v. WDFW HPA;
  - vi. USACE Section 404 permit; and
  - vii. WDOE Administrative Order or Section 401 certification.
- f. Evidence of Financial and Scientific Proficiency. A description of how the mitigation project will be managed during construction and the scientific capability of the designer to successfully implement the proposed project. In addition, a demonstration of the financial capability of the applicant to successfully complete the project and ensure it functions properly at the end of the specific monitoring period.
- g. Contingency Plan. Identification of potential courses of action, and any corrective measures to be taken when monitoring or evaluation indicates project performance standards are not being met.

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F. WETLAND PERMIT—APPLICATION.

1. Pre-Permit Consultation. Any person intending to apply for a wetland permit is encouraged, but not required, to meet with the department during the earliest possible stages of project planning in order to discuss wetland impact avoidance, minimization, compensatory mitigation, and the required contents of a mitigation plan before significant commitments have been made to a particular project design. Effort put into pre-permit consultations and planning will help applicants create projects which will be more quickly and easily processed.
2. Applications. Applications for wetland permits shall be made to the department on forms furnished by the department and in conformance with Section 16.53.030.
3. Fees. At the time of application, the applicant shall pay a filing fee in accordance with the most current fee schedule adopted by the city.

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G. WETLAND PERMIT—PROCESSING.

1. Procedures. Wetland permit applications within shoreline jurisdiction shall be processed using the application procedures in the [Shoreline Master] Program, Appendix B—Administration and Enforcement, unless specifically modified herein:
  - a. Type I Wetland Permit. The following wetland permits shall be reviewed under the Type I review process in accordance with CMC Chapter 18.55:
    - i. Buffer modification only;
    - ii. Wetland permits associated with single-family building permits, regardless of impact;
    - iii. Re-authorization of approved wetland permits;
    - iv. Programmatic wetland permits that are SEPA exempt.
    - v. Programmatic wetland permits that are exempt from a shoreline substantial development permit.
2. Consolidation. The department shall, to the extent practicable and feasible, consolidate the processing of wetland permits with other city regulatory programs which affect activities in wetlands, such as SEPA review, subdivision, grading, and site plan approval, so as to provide a timely and coordinated permit process. Where no other city permit or approval is required for the wetland activity, the wetland permit shall be processed in accordance with a Type II process under CMC Chapter 18.55, Administration.

3. Notification. In addition to notices otherwise required, notice of application shall be given to federal and state agencies that have jurisdiction over, or an interest in, the affected wetlands. This notice may be incorporated into a SEPA comment period.

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#### H. WETLAND PERMIT—PRELIMINARY APPROVAL.

1. Decision Maker. A wetland permit application which has been consolidated with another permit or approval request which requires a public hearing (e.g., preliminary plat) shall be heard and decided in accordance with the procedures applicable to such other request. Any other wetland permit application shall be acted on by the responsible official within the timeline specified in Appendix B [of the Shoreline Master Plan] or CMC Chapter 18.55 for the required permit type.
2. Findings. A decision preliminarily approving or denying a wetland permit shall be supported by findings of fact relating to the standards and requirements of this chapter.
3. Conditions. A decision preliminarily approving a wetland permit shall incorporate at least the following as conditions:
  - a. The approved preliminary mitigation plan;
  - b. Applicable conditions provided for in subsection (E)(3) of this section;
  - c. Posting of a performance assurance pursuant to subsection J of this section; and
  - d. Posting of a maintenance assurance pursuant to subsection J of this section.
4. Duration. Wetland permit preliminary approval shall be valid for a period of three years from the date of issuance or termination of administrative appeals or court challenges, whichever occurs later, unless:
  - a. A longer period is specified in the permit; or
  - b. The applicant demonstrates good cause to the responsible official's satisfaction for an extension not to exceed an additional one year.

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#### I. WETLAND PERMIT—FINAL APPROVAL.

1. Issuance. The responsible official shall issue final approval of the wetland permit authorizing commencement of the activity permitted thereby upon:
  - a. Submittal and approval of a final mitigation plan pursuant to subsection (E)(3) of this section;
  - b. Installation and approval of field markings as required by Section 16.53.040(C)(2);
  - c. The recording of a conservation covenant as required by Section 16.53.040(C)(3) and included on the plat, short plat, or site plan as required by Section 16.53.040(C)(4);
  - d. The posting of a performance assurance as required by subsection (H)(3) of this section.
2. Duration.
  - a. Wetland or Wetland Buffer Impacts. Final approval shall be valid for the period specified in the final wetland permit, or the associated development approval. Extension of the permit shall only be granted in conjunction with extension of an associated permit.
  - b. Compensatory Mitigation. The compensatory mitigation requirements of the permit shall remain in effect for the duration of the monitoring and maintenance period specified in the approval.

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#### J. WETLAND PERMIT FINANCIAL ASSURANCES.

1. Types of Financial Assurances. The responsible official shall accept the following forms of financial assurances:

- a. An escrow account secured with an agreement approved by the responsible official;
  - b. A bond provided by a surety for estimates that exceed five thousand dollars;
  - c. A deposit account with a financial institution secured with an agreement approved by the responsible official;
  - d. A letter of commitment from a public agency; and
  - e. Other forms of financial assurance determined to be acceptable by the responsible official.
2. Financial Assurance Estimates. The applicant shall submit itemized cost estimates for the required financial assurances. The responsible official may adjust the estimates to ensure that adequate funds will be available to complete the specified compensatory mitigation upon forfeiture. In addition, the cost estimates must include a contingency as follows:
- a. Estimates for bonds shall be multiplied by one hundred fifty percent;
  - b. All other estimates shall be multiplied by one hundred ten percent.
3. Waiver of Financial Assurances. For Type I wetland permits, the responsible official may waive the requirement for one or both financial assurances if the applicant can demonstrate to the responsible official's satisfaction that posting the required financial assurances will constitute a significant hardship.
4. Acceptance of Work and Release of Financial Assurances.
- a. Release of Performance Assurance. Upon request, the responsible official shall release the performance assurance when the following conditions are met:
    - i. Completion of construction and planting specified in the approved compensatory mitigation plan;
    - ii. Submittal of an as-built report documenting changes to the compensatory mitigation plan that occurred during construction;
    - iii. Field inspection of the completed site(s); and
    - iv. Provision of the required maintenance assurance.
  - b. Release of Maintenance Assurance. Upon request, the responsible official shall release the maintenance assurance when the following conditions are met:
    - i. Completion of the specified monitoring and maintenance program;
    - ii. Submittal of a final monitoring report demonstrating that the goals and objectives of the compensatory mitigation plan have been met as demonstrated through:
      - (A) Compliance with the specific performance standards established in the wetland permit; or
      - (B) Functional assessment of the mitigation site(s); and
      - (C) Field inspection of the mitigation site(s).
  - c. Incremental Release of Financial Assurances. The responsible official may release financial assurances incrementally only if specific milestones and associated costs are specified in the compensatory mitigation plan and the document legally establishing the financial assurance.
5. Transfer of Financial Assurances. The responsible official may release financial assurances at any time if equivalent assurances are provided by the original or a new permit holder.
6. Forfeiture. If the permit holder fails to perform or maintain compensatory mitigation in accordance with the approved wetland permit, the responsible official may declare the corresponding financial assurance forfeit pursuant to the following process:

- a. The responsible official shall, by registered mail, notify the wetland permit holder/agent that is signatory to the financial assurance, and the financial assurance holder of nonperformance with the terms of the approved wetlands permit;
- b. The written notification shall cite a reasonable time for the permit holder, or legal successor, to comply with provisions of the permit and state the city's intent to forfeit the financial assurance should the required work not be completed in a timely manner;
- c. Should the required work not be completed timely, the city shall declare the assurance forfeit;
- d. Upon forfeiture of a financial assurance, the proceeds thereof shall be utilized either to correct the deficiencies which resulted in forfeiture or, if such correction is deemed by the responsible official to be impractical or ineffective, to enhance other wetlands in the same watershed or contribute to an established cumulative effects fund for watershed scale habitat and wetland conservation.

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K. PROGRAMMATIC PERMITS FOR ROUTINE MAINTENANCE AND OPERATIONS OF UTILITIES AND PUBLIC FACILITIES.

The responsible official may issue programmatic wetland permits for routine maintenance and operations of utilities and public facilities within wetlands and wetland buffers, and for wetland enhancement programs. It is not the intent of the programmatic permit process to deny or unreasonably restrict a public agency or utility's ability to provide services to the public. Programmatic permits only authorize activities specifically identified in and limited to the permit approval and conditions.

1. Application Submittal Requirements. Unless waived by the responsible official with specific findings in the approval document in accordance with subsection (K)(2) of this section, applications for programmatic wetland permits shall include a programmatic permit plan that includes the following:
  - a. A discussion of the purpose and need for the permit;
  - b. A description of the scope of activities in wetlands and wetland buffers;
  - c. Identification of the geographical area to be covered by the permit;
  - d. The range of functions and values of wetlands potentially affected by the permit;
  - e. Specific measures and performance standards to be taken to avoid, minimize, and mitigate impacts on wetland functions and values, including:
    - i. Procedures for identification of wetlands and wetland buffers;
    - ii. Maintenance practices proposed to be used;
    - iii. Restoration measures;
    - iv. Mitigation measures and assurances;
    - v. Annual reporting to the responsible official that documents compliance with permit conditions and proposes any additional measures or adjustments to the approved programmatic permit plan;
    - vi. Reporting to the responsible official any specific wetland or wetland buffer degradations resulting from maintenance activities when the degradation occurs or within a timely manner;
    - vii. Responding to any department requests for information about specific work or projects;
    - viii. Procedures for reporting and/or addressing activities outside the scope of the approved permit; and
    - ix. Training all employees, contractors and individuals under the supervision of the applicant who are involved in permitted work.

2. Findings. A decision preliminarily approving or denying a programmatic wetland permit shall be supported by findings of fact relating to the standards and requirements of this chapter.
3. Approval Conditions. Approval of a programmatic wetland permit shall incorporate at least the following as conditions:
  - a. The approved programmatic permit plan;
  - b. Annual reporting requirements; and
  - c. A provision stating the duration of the permit.
4. Duration and Re-authorization.
  - a. The duration of a programmatic permit is for five years, unless:
    - i. An annual performance based re-authorization program is approved within the permit; or
    - ii. A shorter duration is supported by findings.
  - b. Requests for re-authorization of a programmatic permit must be received prior to the expiration of the original permit.
    - i. Re-authorization is reviewed and approved through the process described in subsection (K)(1) of this section.
    - ii. Permit conditions and performance standards may be modified through the re-authorization process.
    - iii. The responsible official may temporarily extend the original permit if the review of the re-authorization request extends beyond the expiration date.

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L. WETLAND PERMIT—EMERGENCY.

1. Authorization. Notwithstanding the provisions of this chapter or any other laws to the contrary, the responsible official may issue prospectively or, in the case of imminent threats, retroactively a temporary emergency wetlands permit if:
  - a. The responsible official determines that an unacceptable threat to life or loss of property will occur if an emergency permit is not granted; and
  - b. The anticipated threat or loss may occur before a permit can be issued or modified under the procedures otherwise required by this act and other applicable laws.
2. Conditions. Any emergency permit granted shall incorporate, to the greatest extent practicable and feasible, but not inconsistent with the emergency situation, the standards and criteria required for nonemergency activities under this act and shall:
  - a. Be limited in duration to the time required to complete the authorized emergency activity, not to exceed ninety days; and
  - b. Require, within this ninety-day period, the restoration of any wetland altered as a result of the emergency activity, except that if more than the ninety days from the issuance of the emergency permit is required to complete restoration, the emergency permit may be extended to complete this restoration.
3. Notice. Notice of issuance of an emergency permit shall be published in a newspaper having general circulation in the city of Camas not later than ten days after issuance of such permit.
4. Termination. The emergency permit may be terminated at any time without process upon a determination by the responsible official that the action was not or is no longer necessary to protect human health or the environment.

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## M. REVOCATION

In addition to other remedies provided for elsewhere in this chapter, the responsible official may suspend or revoke wetland permit(s) issued in accordance with this chapter and associated development permits, pursuant to the provisions of [the Shoreline Master Program], Appendix B, Administration and Enforcement, if the applicant or permittee has not complied with any or all of the conditions or limitations set forth in the permit, has exceeded the scope of work set forth in the permit, or has failed to undertake the project in the manner set forth in the permit.

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## N. ENFORCEMENT.

At such time as a violation of this chapter has been determined, enforcement action shall be commenced in accordance with the enforcement provisions of Appendix B — Administration and Enforcement, and may also include the following:

1. Applications for city land use permits on sites that have been cited or issued an administrative notice of correction or order under Title 18, or have been otherwise documented by the city for activities in violation of this chapter, shall not be processed for a period of six years provided:
  - a. The city has the authority to apply the permit moratorium to the property;
  - b. The city records the permit moratorium; and
  - c. The responsible official may reduce or wave the permit moratorium duration upon approval of a wetland permit under this section.
2. Compensatory mitigation requirements under subsections C and D of this section may be increased by the responsible official as follows:
  - a. All or some portion of the wetland or wetland buffer impact cannot be permitted or restored in place; and
  - b. Compensatory mitigation for the impact is delayed more than one year from the time of the original citation or documentation of the violation.

Footnotes:

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If priority habitats are not present in the vicinity of the proposed land use, criterion (ii) is sufficient for buffer width reductions. The development of these measures and their review by the city, which may include referral to independent qualified professionals, shall be at the applicant's expense. If proposed future land uses are more intense, they are not eligible to maintain this reduction.

## CHAPTER 16.55 - CRITICAL AQUIFER RECHARGE AREAS

### Sections:

#### 16.55.010 - CRITICAL AQUIFER RECHARGE AREAS DESIGNATION.

Critical aquifer recharge areas (CARA) are those areas with a critical recharging effect on aquifers used for potable water as defined by WAC 365-190-030(2). CARA have prevailing geologic conditions associated with infiltration rates that create a high potential for contamination of ground water resources or contribute significantly to the replenishment of ground water. These areas include the following:

- A. Wellhead Protection Areas. Wellhead protection areas shall be defined by the boundaries of the ten-year time of ground water travel, or boundaries established using alternate criteria approved

by the Department of Health in those settings where ground water time of travel is not a reasonable delineation criterion, in accordance with WAC 246-290-135.

- B. Sole Source Aquifers. Sole source aquifers are areas that have been designated by the U.S. Environmental Protection Agency pursuant to the Federal Safe Drinking Water Act.
- C. Susceptible Ground Water Management Areas. Susceptible ground water management areas are areas that have been designated as moderately or highly vulnerable or susceptible in an adopted ground water management program developed pursuant to Chapter 173-100 WAC.
- D. Special Protection Areas. Special protection areas are those areas defined by WAC 173-200-090.
- E. Moderately or Highly Vulnerable Aquifer Recharge Areas. Aquifer recharge areas that are moderately or highly vulnerable to degradation or depletion because of hydrogeologic characteristics are those areas delineated by a hydrogeologic study prepared in accordance with the state Department of Ecology guidelines.
- F. Moderately or Highly Susceptible Aquifer Recharge Areas. Aquifer recharge areas moderately or highly susceptible to degradation or depletion because of hydrogeologic characteristics are those areas meeting the criteria established by the state Department of Ecology.

#### 16.55.020 - AQUIFER RECHARGE AREA SUSCEPTIBILITY RATINGS.

Aquifer recharge areas shall be rated as having high, moderate, or low susceptibility based on soil permeability, geologic matrix, infiltration, and depth to water as determined by the criteria established by the state Department of Ecology.

#### 16.55.030 - MAPPING OF CRITICAL AQUIFER RECHARGE AREAS.

- A. The approximate location and extent of critical aquifer recharge areas are shown on the adopted critical area maps.
- B. These maps are to be used as a guide for the city, project applicants, and/or property owners, and may be continuously updated as new critical areas are identified. They are a reference and do not provide a final critical area designation.

#### 16.55.040 - ACTIVITIES ALLOWED IN CRITICAL AQUIFER RECHARGE AREAS.

The following activities are allowed in critical aquifer recharge areas in addition to those pursuant to allowed activities (Section 16.51.120), and do not require submission of a critical area report:

- A. Construction of structures and improvements, including additions, resulting in less than five percent or two thousand five hundred square feet (whichever is greater) total site impervious surface area that do not result in a change of use or increase the use of a hazardous substance.
- B. Development and improvement of parks, recreation facilities, open space, or conservation areas resulting in less than five percent total site impervious surface area and that does not increase the use of a hazardous substance.
- C. Development within CARA's shall not result in the loss of more than forty percent of the total pervious surface of the site.

16.55.050 - CRITICAL AREA REPORT—REQUIREMENTS FOR CRITICAL AQUIFER RECHARGE AREAS.

- A. Prepared by a Qualified Professional. An aquifer recharge area critical area report shall be prepared by a qualified professional who is a hydrogeologist, geologist, or engineer, who is licensed in the state of Washington, and has experience in preparing hydrogeologic assessments.
- B. Hydrogeologic Assessment Required. For all proposed activities to be located in a critical aquifer recharge area, a critical area report shall contain a level one hydrogeological assessment. A Level One hydrogeologic assessment shall be required for any of the following proposed activities:
  - 1. Activities that result in five percent or more, or two thousand five hundred square feet of impervious site area;
  - 2. Activities that divert, alter, or reduce the flow of surface or ground waters, or otherwise reduce the recharging of the aquifer;
  - 3. The use of hazardous substances, other than household chemicals used according to the directions specified on the packaging for domestic applications;
  - 4. The use of injection wells; or
  - 5. Any other activity determined by the director likely to have an adverse impact on ground water quality or quantity, or on the recharge of the aquifer.
- C. Level One Hydrogeologic Assessment. A Level One hydrogeologic assessment shall include the following site- and proposal-related information at a minimum:
  - 1. Available information regarding geologic and hydrogeologic characteristics of the site, including the surface location of all critical aquifer recharge areas located on site or immediately adjacent to the site, and permeability of the unsaturated zone;
  - 2. Ground water depth, flow direction and gradient based on available information;
  - 3. Currently available data on wells and springs within one thousand three hundred feet of the project area;
  - 4. Location of other critical areas, including surface waters, within one thousand three hundred feet of the project area;
  - 5. Available historic water quality data for the area to be affected by the proposed activity; and
  - 6. Best management practices proposed to be utilized.
- D. Level Two Hydrogeologic Assessment. A Level Two hydrogeologic assessment shall include the following site- and proposal-related information at a minimum, in addition to the requirements for a Level One hydrogeological assessment:
  - 1. Historic water quality data for the area to be affected by the proposed activity compiled for at least the previous five-year period;
  - 2. Ground water monitoring plan provisions;
  - 3. Discussion of the effects of the proposed project on the ground water quality and quantity, including:
    - a. Predictive evaluation of ground water withdrawal effects; and
    - b. Predictive evaluation of contaminant transport based on potential releases to ground water; and
  - 4. A spill plan that identifies equipment and/or structures that could fail, resulting in an impact. Spill plans shall include provisions for regular inspection, repair, and replacement of structures and equipment that could fail.

#### 16.55.060 - PERFORMANCE STANDARDS—GENERAL REQUIREMENTS.

- A. Activities may only be permitted in a critical aquifer recharge area if the applicant can show that the proposed activity will not cause contaminants to enter the aquifer, and that the proposed activity will not adversely effect the recharging of the aquifer.
- B. The critical areas report shall identify and demonstrate that measures will be taken to prevent aquifer contamination from vehicular repair, residential use of pesticides and nutrients, spreading or injection of reclaimed water, and storage tanks.
- C. The proposed activity must comply with the water source protection requirements and recommendations of the Federal Environmental Protection Agency, State Department of Health, and the local health district.
- D. The proposed activity must be designed and constructed in accordance with the city of Camas Design Standards Manual.

#### 16.55.070 - PERFORMANCE STANDARDS—SPECIFIC USES.

- A. Storage Tanks. All storage tanks proposed to be located in a critical aquifer recharge area must comply with local building code requirements and must conform to the following requirements:
  - 1. Underground Tanks. All new underground storage facilities proposed for use shall be designed and constructed so as to:
    - a. Prevent releases due to corrosion or structural failure for the operational life of the tank;
    - b. Be protected against corrosion, constructed of noncorrosive material, steel clad with a noncorrosive material, or designed to include a secondary containment system to prevent the release or threatened release of any stored substances; and
    - c. Use material in the construction or lining of the tank that is compatible with the substance to be stored.
  - 2. Aboveground Tanks. All new aboveground storage facilities proposed for use in the storage of hazardous substances or hazardous wastes shall be designed and constructed so as to:
    - a. Not allow the release of a hazardous substance to the ground, ground waters, or surface waters;
    - b. Have a primary containment area enclosing or underlying the tank or part thereof; and
    - c. A secondary containment system either built into the tank structure, or a dike system built outside the tank. This applies to all tanks.
- B. No Dry Wells Shall be Allowed in Critical Aquifer Recharge Areas. Dry wells existing on the site prior to facility establishment must be abandoned using techniques approved by the state Department of Ecology prior to commencement of the proposed activity.
- C. Residential Use of Pesticides and Nutrients. Application of household pesticides, herbicides, and fertilizers shall not exceed times and rates specified on the packaging.
- D. Spreading or Injection of Reclaimed Water. Water reuse projects for reclaimed water must be in accordance with the adopted water or sewer comprehensive plans that have been approved by the departments of Ecology and Health.
  - 1. Surface spreading must meet the ground water recharge criteria given in Chapter 90.46.080 RCW and Chapter 90.46.010(9); and
  - 2. Direct injection must be in accordance with the standards developed by authority of Chapter 90.46.042 RCW.

- E. State and Federal Regulations. The uses listed below shall be conditioned as necessary to protect critical aquifer recharge areas in accordance with the applicable state and federal regulations.

**STATUTES, REGULATIONS AND GUIDANCE PERTAINING TO GROUND WATER IMPACTING ACTIVITIES**

<b>Activity</b>	<b>Statute—Regulation—Guidance*</b>
<b>Aboveground storage tanks</b>	Chapter 173-303-640 WAC
<b>Animal feedlots</b>	Chapter 173-216 -240 WAC, Chapter 173-220 (NPDES) WAC
<b>Automobile washers</b>	Chapter 173-216 WAC, Best Management Practices for Vehicle and Equipment Discharges (WDOE WQ-R-95-56)
<b>Below ground storage tanks</b>	Chapter 173-360 WAC
<b>Chemical treatment storage and disposal facilities</b>	Chapter 173-303 WAC
<b>Hazardous waste generator (boat repair shops, biological research facility, dry cleaners, furniture stripping, motor vehicle service garages, photographic processing, printing and publishing shops, etc.)</b>	Chapter 173-303 WAC
<b>Injection wells</b>	Federal 40 CFR Parts 144 and 146, Chapter 173-218 WAC
<b>Junk yards and salvage yards</b>	Chapter 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Vehicles Recycler Facilities (WDOE 94-146)
<b>Oil and gas drilling</b>	Chapter 332-12-450 WAC, Chapter 344-12 WAC
<b>On-site sewage systems (large scale)</b>	Chapter 173-240 WAC
<b>On-site sewage systems (&lt;14,500 gal/day)</b>	Chapter 246-272 WAC, Local Health Ordinances
<b>Pesticide storage and use</b>	Chapter 15.54 RCW, Chapter 17.21 RCW
<b>Sawmills</b>	Chapter 173-303 WAC, 173-304 WAC, Best Management Practices to Prevent Stormwater Pollution at Log Yards (WDOE 95-53)
<b>Solid waste handling and recycling facilities</b>	Chapter 173-304 WAC
<b>Surface mining</b>	Chapter 332-18 WAC
<b>Waste water application to land surface</b>	Chapter 173-216 WAC, Chapter 173-200 WAC, WDOE Land Application Guidelines, Best Management Practices for Irrigated Agriculture
<b>* as amended.</b>	

#### 16.55.080 - USES PROHIBITED FROM CRITICAL AQUIFER RECHARGE AREAS.

The following activities and uses are prohibited in critical aquifer recharge areas:\*

- A. Landfills. Landfills, including hazardous or dangerous waste, municipal solid waste, special waste, wood waste, and inert and demolition waste landfills;
- B. Underground Injection Wells. Classes I, III, and IV wells and subclasses 5F01, 5D03, 5F04, 5W09, 5W10, 5W11, 5W31, 5X13, 5X14, 5X15, 5W20, 5X28, and 5N24 of Class V wells;
- C. Mining.
  - 1. Metals and hard rock mining, and
  - 2. Sand and gravel mining;
- D. Wood Treatment Facilities. Wood treatment facilities that allow any portion of the treatment process to occur over permeable surfaces (both natural and man-made);
- E. Storage, Processing, or Disposal of Radioactive Substances. Facilities that store, process, or dispose of radioactive substances;
- F. Fuel and/or gas stations;
- G. Vehicle repair and servicing;
- H. Oil and lubricant centers; and
- I. Other.
  - 1. Activities that would significantly reduce the recharge to aquifers currently or potentially used as a potable water source,
  - 2. Activities that would significantly reduce the recharge to aquifers that are a source of significant baseflow to a regulated stream,
  - 3. Activities that are not connected to an available sanitary sewer system are prohibited from critical aquifer recharge areas associated with sole source aquifers, and
  - 4. Underground storage tanks for the use and storage of hazardous substances or hazardous materials.

\* Prohibited uses are based on "Guidance Document for the Establishment of Critical Aquifer Recharge Area Ordinances," by Ecology, July 2000, publication #97-30, and local concerns.

#### CHAPTER 16.57 - FREQUENTLY FLOODED AREAS

##### Sections:

#### 16.57.010 - APPLICABILITY.

- A. Frequently Flooded Areas. Frequently flooded areas include: The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Clark County, Washington, and incorporated areas" dated September 5, 2012, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRM). The study is the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Maps, and the water surface elevation of the base flood. The study and FIRM are on file at the City of Camas. The best available information for flood hazard area identification as outline in Section 16.57.050(C) shall be the basis for regulation until a new FIRM is issued that incorporates data utilized. The flood insurance study and accompanying rate maps are hereby adopted by reference, and declared part of this chapter. These are minimum designations; the director may identify additional areas.

- B. Use of Additional Information. The director may use additional flood information that is more restrictive than that provided in the flood insurance study conducted by the Federal Emergency Management Agency (FEMA) to designate frequently flooded areas, including data on channel migration, historical data, high water marks, photographs of past flooding, location of restrictive floodways, maps showing future build-out conditions, maps that show riparian habitat areas, or similar information.
- C. Flood Elevation Data. When base flood elevation data is not available (Zone A), the director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer this chapter.
- D. For the purposes of this chapter, definitions are generally found in CMC Section 18.03.

#### 16.57.020 - USES AND ACTIVITIES PROHIBITED.

- A. Critical Facilities. Construction of new critical facilities shall be permissible within frequently flooded areas if no feasible alternative site is available. Critical facilities constructed within frequently flooded areas shall have the lowest floor elevated three feet or more above the level of the base flood elevation (one hundred year flood), or to the height of the five hundred-year flood, whichever is higher. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible. Certification by a registered professional engineer is required.
- B. Wells.
- C. On-site sewage or waste disposal systems.
- D. Lots (Includes residential and non-residential). There shall be no increase in lots within frequently flooded areas. No additional lots shall be created within a frequently flooded area. Divisions of land shall have the frequently flooded areas designated as separate tract(s) and not included within any additional lot.
- E. Development in Floodways.
  - 1. New Development Requires Certification by an Engineer. Encroachments, including new construction, substantial improvements, fill, and other development, are prohibited within designated floodways unless certified by a registered professional engineer. Such certification shall demonstrate through hydrologic and hydraulic analyses, performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge. Small projects that are solely to protect or create fish habitat, and designed by a qualified professional, may be allowed without certification if the director determines that the project will not obstruct flood flows. Fish protection projects shall be reviewed on behalf of the City by a qualified professional in the field of hydraulics.
  - 2. Residential Construction and Reconstruction Prohibited. Construction and reconstruction of residential structures is prohibited within floodways, except for:
    - a. Maintenance or repairs to a structure that do not increase the ground floor area; and
    - b. Repairs, reconstruction, or improvements to a structure for which the cost does not exceed fifty percent of the market value of the structure either:
      - i. Before the repair or reconstruction is started; or
      - ii. If the structure has been damaged and is being restored, before the damage occurred.
    - c. Improvement to a building to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the City, and that are the minimum necessary to assure safe living conditions, or to structures identified as historic places shall not be included in the fifty percent.
  - 3. If Section E(1) above is satisfied, all new construction and substantial improvements must also comply with all applicable flood hazard reduction provisions.

#### 16.57.030 - CRITICAL AREA REPORT—ADDITIONAL REQUIREMENTS.

In addition to the items listed in CMC 16.51.140 Critical Area Reporting, the following is required:

- A. Prepared by a Qualified Professional. A frequently flooded areas report shall be prepared by a qualified professional who is a hydrologist, or engineer, who is licensed in the state of Washington, with experience in preparing flood hazard assessments.
- B. Area Addressed in Critical Area Report. The following areas shall be addressed in a critical area report for frequently flooded areas:
  1. The site area of the proposed activity;
  2. All areas of a special flood hazard area, as indicated on the flood insurance rate map(s), within three hundred feet of the project area; and
  3. All other flood areas indicated on the flood insurance rate map(s) within three hundred feet of the project area.
- C. Flood Hazard Assessment Required. A critical area report for a proposed activity within a frequently flooded area shall contain a flood hazard assessment, including the following site- and proposal-related information at a minimum:
  1. Site and Construction Plans. A copy of the site and construction plans for the development proposal showing:
    - a. Floodplain (one hundred-year flood elevation), ten- and fifty-year flood elevations, floodway, other critical areas, management zones, and shoreline areas;
    - b. Proposed development, including the location of existing and proposed structures, fill, storage of materials, and drainage facilities, with dimensions indicating distances to the floodplain;
    - c. Clearing limits; and
    - d. Elevation of the lowest floor (including basement) of all buildings, and the level to which any building has been floodproofed;
  2. Floodproofing Certificate (FEMA Form 81-65, most current edition). When floodproofing is proposed for a non-residential building, a certification by a registered professional engineer or architect that the floodproofing methods meet the requirements in CMC Section 16.57.050(F); and
  3. Watercourse Alteration. When watercourse alteration is proposed, the critical area report shall include:
    - a. Extent of Watercourse Alteration. A description of and plan showing the extent to which a watercourse will be altered or relocated as a result of proposal, and
    - b. Maintenance Program Required for Watercourse Alterations. A maintenance program that provides maintenance practices for the altered or relocated portion of the watercourse to ensure that the flood carrying capacity is not diminished.
- D. Information Regarding Other Critical Areas. Potential impacts to wetlands, fish and wildlife habitat, and other critical areas shall be addressed in accordance with the applicable sections of these provisions.

#### 16.57.040 - WARNING AND DISCLAIMER OF LIABILITY.

The degree of flood protection required by this chapter is considered reasonable for regulatory purpose and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by human or natural causes. This chapter does not imply that land outside frequently flooded areas, or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of City of Camas, any officer or employee thereof,

or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter, or any administrative decision lawfully made hereunder.

#### 16.57.050 - PERFORMANCE STANDARDS—GENERAL REQUIREMENTS.

All Elevation Certificates (FEMA Form 81-31), Floodproofing Certificates for non-residential structures (FEMA Form 81-65), documents, and records pertaining to the provisions of this ordinance shall be maintained by the City for public inspection.

- A. All Necessary Permits Shall be Obtained. A development permit shall be obtained before construction or development begins within any frequently flooded area established in Section 16.57.010. The permit shall be for all structures, including manufactured homes, as set forth in the "Definitions," and for all development, including fill and other activities, also as set forth in the "Definitions."
- B. Area of Special Flood Hazards with Base Flood Elevation. When the base flood elevation is provided, but a regulatory floodway has not been designated, new construction, substantial improvements, or other development, including fill, shall not be permitted within frequently flooded areas, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one inch at any point within the City limits.
- C. Areas Without Base Flood Elevation Data. Where base flood elevation data is not available (Zone A), and there is insufficient data then a report shall be submitted by a qualified professional that includes analysis of historical data and field surveys. The reports shall include reasonable mapping to ensure proposed buildings are safe from flooding and to demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one inch at any point within the City limits.
- D. Construction Materials and Methods.
  1. Methods that Minimize Flood Damage. All new construction and substantial improvements shall be constructed using flood resistant materials and utility equipment, and with methods and practices that minimize flood damage.
  2. Buildings shall be located outside the floodplain. For sites with no buildable area out of the floodplain, buildings may be allowed provided they are placed on the highest land on the site, oriented parallel to flow rather than perpendicular, and sited as far from the watercourse and other critical areas as possible. If the City detects any evidence of active hyporheic exchange on a site, the development shall be located to minimize disruption of such exchange.
  3. Utilities Shall be Protected. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- E. Elevation Certificate Required Following Construction. Following construction of a building within the floodplain where the base flood elevation is provided, the applicant shall obtain a "finished construction" elevation certificate (FEMA Form 81-31, most current edition) from a registered professional engineer or architect that records the elevation of the lowest floor.
- F. Floodproofing (Non-Residential Only).
  1. When a building is to be floodproofed, it shall be designed and constructed using methods that meet the following requirements:
    - a. Watertight Building. The building shall be watertight with walls substantially impermeable to the passage of water below one foot above the base flood level;

- b. Hydrostatic and Hydrodynamic Resistance. Structural components shall be capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
  - c. Certified by a Registered Professional Engineer or Architect. The building shall be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans.
2. Floodproofing Certificate Required Following Construction. Following construction of the building, the applicant shall obtain a floodproofing certificate (FEMA Form 81-65, most current edition) from a registered professional engineer or architect that records the actual (as-built) elevation to which the building was floodproofed.
- G. Anchoring. All new construction and substantial improvements within the floodplain shall be anchored to prevent flotation, collapse, or lateral movement of the building. All manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frames tied to ground anchors.
- H. Fill and Grading. Fill and grading within the floodplain shall only occur upon a determination from a registered professional engineer that the fill or grading will not block side channels, inhibit channel migration, increase flood hazards to others, or be placed within a channel migration zone, whether or not the City has delineated such zones as of the time of the application. If fill or grading is located in a floodway, CMC Section 16.57.020 applies.

#### 16.57.060 - PERFORMANCE STANDARDS—SPECIFIC USES.

In all special flood hazard areas the following provisions are required:

- A. Residential Units.
- 1. Must be Above Base Flood Elevation. New construction or placement of residential units and substantial improvement of any residential building shall have the lowest floor, including basement, elevated one foot or more above the base flood elevation.
  - 2. Areas Below the Lowest Floor. Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:
    - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
    - b. The bottom of all openings shall be no higher than one foot above grade; and
    - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
  - 3. Manufactured Homes. All manufactured homes to be placed or substantially improved on sites shall be elevated on a permanent foundation such that the lowest floor of the manufactured homes is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement. All manufactured homes shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frames tied to ground anchors. If the manufactured home is placed on a permanent footing/foundation with stem walls, CMC Section 16.57.060(A)(2) applies.

B. Nonresidential Construction.

1. Must be Above Base Flood Elevation. New construction and substantial improvement of any commercial, industrial, or other nonresidential building shall either have the lowest floor, including basement, elevated one foot or more above the base flood elevation or, together with attendant utility and sanitary facilities, shall be floodproofed in accordance with floodproofing (Section 16.57.050(F)). Unavoidable impacts to flooded areas (from fill) need to be mitigated.
2. Areas Below the Lowest Floor. If floodproofed, areas shall be in accordance with floodproofing (Section 16.57.050(F)). If elevated and not floodproofed, fully enclosed areas below the lowest floor shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:
  - a. A minimum of three openings having a total net area of no less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
  - b. The bottom of all openings shall be no higher than one foot above grade; and
  - c. Openings may be equipped with screens, louvers, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

C. Utilities.

1. Shall be Designed to Minimize Infiltration of Floodwaters. All new and replacement water supply systems shall be designed to preclude infiltration of floodwaters into the systems.
2. Sanitary Sewage Systems. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
3. On-site Waste Disposal Systems. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. New on-site sewage disposal systems are prohibited for uses and activities prohibited from frequently flooded areas.

D. Subdivision/Land Division Proposals.

1. All land division proposals shall:
  - a. Minimize Flood Damage. Subdivisions, short subdivisions, planned developments, and binding site plans shall be designed to minimize or eliminate flood damage to proposed buildings; and public utilities and facilities that are installed as part of such subdivisions. Sewer, gas, electrical, and water systems shall be located and constructed to minimize flood damage. Subdivisions should be designed using natural features of the landscape, and should not incorporate "flood protection" changes.
  - b. Have Adequate Drainage. Subdivisions, short subdivisions, planned developments, and binding site plans shall have adequate natural surface water drainage in accordance with City requirements to reduce exposure to flood hazards; and
  - c. Show Flood Areas on Plat Maps. Subdivisions, short subdivisions, planned developments, and binding site plans shall show the one hundred-year floodplain, floodway, and channel migration zone on the preliminary and final plat maps.
2. Lots. No lot or portion of lot after the effective date of the ordinance codified in this title shall be established within the boundaries of a frequently flooded area.

E. Alteration of Watercourses.

1. Shall be in Accordance with Habitat Regulations. Watercourse alterations shall only be allowed in accordance with the fish and wildlife habitat conservation areas (Chapter 16.61).

2. Shall Not Result in Blockage. Watercourse alteration projects shall not result in blockage of side channels.
3. Notification Required. The City shall notify adjacent communities, the Washington State Department of Ecology, and the Federal Insurance Administration of a proposed watercourse alteration at least fifteen days prior to permit issuance.
4. Maintenance of Alterations. The applicant shall maintain the altered or relocated portion of the watercourse to ensure that the flood carrying capacity is not diminished. Maintenance shall be bonded for a period of five years, and be in accordance with an approved maintenance program.

#### 16.57.070 - RECREATIONAL VEHICLES.

Recreational vehicles placed on sites are required to either:

- A. Be on the site for fewer than one hundred eighty consecutive days; or
- B. Be fully licensed and ready for highway use on its wheels, or the jacking system is attached to the site only by quick disconnect type utilities and securities devices, and has no permanently attached additions; or
- C. Meet the requirements of CMC Section 16.57.060(A)(3) and the elevation and anchoring requirements for manufactured homes.

#### 16.57.080 - VARIATIONS—ADDITIONAL CONSIDERATIONS FOR FREQUENTLY FLOODED AREAS.

- A. Additional Variation Considerations. In review of variation requests for activities within frequently flooded areas, the City shall consider all technical evaluations, relevant factors, standards specified in this chapter, and:
  1. The danger to life and property due to flooding, erosion damage, or materials swept onto other lands during flood events;
  2. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the proposed use;
  3. The importance of the services provided by the proposed use to the community;
  4. The necessity of a waterfront location and the availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;
  5. The safety of access to the property for ordinary and emergency vehicles;
  6. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters, and the effects of wave action, if applicable, expected at the site; and
  7. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- B. Variations shall only be issued upon a determination that the granting of a variation will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
- C. Variations shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

## CHAPTER 16.59 - GEOLOGICALLY HAZARDOUS AREAS

### Sections:

#### 16.59.010 - DESIGNATION OF GEOLOGICALLY HAZARDOUS AREAS.

Geologically hazardous areas include areas susceptible to erosion hazard, landslide hazard, seismic hazard, mine hazard and other geologic events. These areas pose a threat to the health and safety of citizens when incompatible development is sited in areas of significant hazard. Areas susceptible to one or more of the following types of hazards shall be designated as a geologically hazardous area:

- A. Erosion hazard;
- B. Landslide hazard;
- C. Seismic hazard; or
- D. Other geological events including, mass wasting, debris flows, rock falls and differential settlement.

#### 16.59.020 - DESIGNATION OF SPECIFIC HAZARD AREAS.

- A. Erosion Hazard Areas. Erosion hazard areas are areas where there is not a mapped or designated landslide hazard, but where there are steep slopes equal to or greater than forty percent slope. Steep slopes which are less than ten feet in vertical height and not part of a larger steep slope system, and steep slopes created through previous legal grading activity are not regulated steep slope hazard areas.
- B. Landslide Hazard Areas. Landslide hazard areas are areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Examples of these may include, but are not limited to the following:
  1. Areas of previous slope failures including areas of unstable old or recent landslides;
  2. Areas with all three of the following characteristics:
    - a. Slopes steeper than fifteen percent,
    - b. Hillsides intersecting geologic contacts with permeable sediment overlying a low permeability sediment or bedrock, and
    - c. Any springs or ground water seepage;
  3. Slopes that are parallel or sub-parallel to planes of weakness, such as bedding planes, joint systems and fault planes in subsurface materials;
  4. Areas mapped by:
    - a. Washington Department of Natural Resources Open File Report: Slope Stability of Clark County, 1975, as having potential instability, historical or active landslides, or as older landslide debris, and
    - b. The Washington Department of Natural Resources Open File Report Geologic Map of the Vancouver Quadrangle, Washington and Oregon, 1987, as landslides;
  5. Slopes greater than eighty percent, subject to rock fall during earthquake shaking;

6. Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and stream undercutting the toe of a slope;
  7. Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows, debris torrents or catastrophic flooding.
- C. "Seismic hazard area" means an area subject to severe risk of damage as a result of earthquake-induced soil liquefaction, ground shaking amplification, slope failure, settlement, or surface faulting. Relative seismic hazard is mapped on the NEHRP site class map of Clark County, published by the Washington Department of Natural Resources.
- D. Other Hazard Areas. Geologically hazardous areas shall also include areas determined by the city to be susceptible to other geological events, including mass wasting, debris flows, rock falls, and differential settlement.

#### 16.59.030 - CLASSIFICATION OF GEOLOGICALLY HAZARDOUS AREAS.

All geologic hazard areas should be classified according to the following categories for each geologic hazard type:

- A. Known or Suspected Risk. Documentation of projection of the hazard by a qualified professional exists.
- B. Risk Unknown. Documentation, or projection of the lack of hazard, by a qualified professional exists, or data is not available to determine the presence or absence of a geologic hazard.

#### 16.59.040 - MAPPING OF GEOLOGICALLY HAZARDOUS AREAS.

- A. The approximate location and extent of geologically hazardous areas are shown on the adopted critical area maps as revised or superseded. The adopted critical area maps may include:
  1. U.S. Geological Survey landslide hazard and seismic hazard maps;
  2. Department of Natural Resources seismic hazard maps for western Washington;
  3. Department of Natural Resources slope stability maps;
  4. Federal Emergency Management Administration flood insurance maps; and
  5. Locally adopted maps.
- B. These maps are to be used as a guide for the city, project applicants, and/or property owners, and may be continuously updated as new critical areas are identified. They are a reference and do not provide a final critical area designation.

#### 16.59.050 - ACTIVITIES ALLOWED IN GEOLOGICALLY HAZARDOUS AREAS.

The following activities are allowed in geologically hazardous areas, provided that the activity will not increase the risk of the hazard, pursuant to allowed activities under general provisions (CMC Section 16.51.120), and do not require submission of a critical area report:

- A. Construction of new buildings with less than two thousand five hundred square feet of floor area or roof area, whichever is greater, and which are not residential structures or used as places of employment or public assembly;
- B. Additions to the ground floor of existing single-family residences that are two hundred fifty square feet or less; and
- C. Installation of fences.

16.59.060 - CRITICAL AREA REPORT REQUIREMENTS FOR GEOLOGICALLY HAZARDOUS AREAS.

- A. Prepared by a Qualified Professional. A critical areas report for a geologically hazardous area shall be prepared by a qualified professional who is either a civil engineer with a geotechnical background, or a geologist, licensed in the state of Washington, with experience analyzing geologic, and where applicable, hydrologic and ground water flow systems.
- B. Area Addressed in Critical Area Report. The project area of the proposed activity shall be addressed in a critical area report for geologically hazardous areas.
- C. Geotechnical Evaluation and Assessment. Except as provided for in subsections D and E of this section, a critical area report for geologically hazardous areas shall first contain a site evaluation and, if required, an assessment of geological hazards.
  - 1. Site Evaluation. A site evaluation shall include:
    - a. Identification of the geologically hazardous area including the type and extent of the geological hazard, and the reason the area is or is not likely to be impacted by the proposed development plan.
    - b. A description of the project including, where applicable:
      - i. Proposed structures;
      - ii. Proposed grading;
      - iii. Areas proposed for storage of materials;
      - iv. Proposed storm drainage areas;
      - v. Related project impacts which have a potential to adversely affect the geological hazard; and
      - vi. If available for the proposed activity, a site development plan may be included to illustrate proposed project impacts. The development plan when provided will show the geological hazard area, proposed site improvements, two-foot contours, proposed storm water treatment facilities, proposed or known existing septic drain fields, proposed stockpile areas, or proposed areas of mass grading.
    - c. Identification of proportionate and appropriate mitigation measures and a description of how they will adequately protect the proposed development, adjacent developments, and the subject geologically hazardous area.
    - d. A recommendation based on the proposed site activities of the level of study, construction monitoring, or site design changes which may be needed during the final design process.
  - 2. Geotechnical Assessment. If recommended by the site evaluation, or determined necessary by the city, a geotechnical assessment for geologically hazardous areas shall include the following site- and proposal-related information at a minimum:
    - a. Site Plans. The report shall include a copy of the site plans for the proposal showing:

- i. The type and extent of geologic hazard areas, and any other critical areas, and management zones on, adjacent to, within three hundred feet of, or that are likely to impact the proposal;
  - ii. Proposed development, including the location of existing and proposed structures, fill, storage of materials, and storm drainage facilities, with dimensions indicating distances to hazard areas; and
  - iii. The topography, in two-foot contours, of the project area and all hazard areas addressed in the report.
3. Assessment of Geological Characteristics. The report shall include an assessment of the geologic characteristics and engineering properties of the soils, sediments, and/or rock of the project area and potentially affected adjacent properties, and a review of the site history regarding landslides, erosion and prior grading. Soils analysis shall be accomplished in accordance with accepted taxonomic classification systems in use in the region.
 

The assessment shall include, but not be limited to:

  - a. A description of the surface and subsurface geology, hydrology, soils, and vegetation found in the project area, and in generally all hazard areas addressed in the report;
  - b. A detailed overview of the field investigations, published data, and references; data and conclusions from past assessments of the site; and site specific measurements, test, investigations, or studies that support the identification of geologically hazardous areas; and
  - c. A description of the vulnerability of the site to seismic and other geologic events.
4. Analysis of Proposal. The report shall contain a geotechnical analysis, including a detailed description of the project, its relationship to the geologic hazard(s), and its potential impact upon the hazard area, the subject property, and affected adjacent properties.
5. Summary and Recommendation. The report shall make a recommendation for the minimum no disturbance management zone, or minimum building setback from any geologic hazard, or other appropriate mitigation measures based upon the geotechnical analysis.
- D. Incorporation or Acceptance of Previous Study. Where a valid geotechnical report has been prepared within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, such report may be incorporated into or accepted as the required critical area report. The applicant shall submit a geotechnical assessment detailing any changed environmental conditions associated with the site.
- E. Where the applicant can demonstrate that the proposed project or activity has no direct impact on the identified geologically hazardous area, or that the site evaluation requirements above are not applicable to the proposed project or activity, the city may not require additional site assessment work or may limit the scoping of the site evaluation based on identified site specific geologic hazards.
- F. Mitigation of Long-Term Impacts. When hazard mitigation is required the mitigation plan shall specifically address how the activity maintains or reduces the pre-existing level of risk to the site and adjacent properties on a long-term basis (equal to or exceeding the projected lifespan of the activity or occupation). Proposed mitigation techniques shall be considered to provide long-term hazard reduction only if they do not require regular maintenance or other actions to maintain their function. Mitigation may also be required to avoid any increase in risk above the pre-existing conditions following abandonment of the activity.

#### 16.59.070 - CRITICAL AREA REPORT REQUIREMENTS FOR SPECIFIC HAZARDS.

- A. Erosion and Landslide Hazard Areas. In addition to the basic geological hazard area report requirements, a report for an erosion hazard or landslide hazard area shall include the following information at a minimum:
1. Site Plan. The report shall include a copy of the site plan for the proposal showing:
    - a. The height of slope, slope gradient, and cross section of the project area,
    - b. The location of springs, seeps, or other surface expressions of ground water on or within three hundred feet of the project area, or that have potential to be affected by the proposal, and
    - c. The location and description of surface water runoff;
  2. Geotechnical Analysis. The geotechnical analysis shall specifically include:
    - a. A description of the extent and type of vegetative cover,
    - b. An estimate of load capacity, including surface and ground water conditions, public and private sewage disposal systems, fills and excavations, and all structural development,
    - c. An estimate of slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure,
    - d. An estimate of the bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or a one hundred year storm event,
    - e. Consideration of the run-out hazard of landslide debris and/or the impacts of landslide run-out on down slope properties,
    - f. A study of slope stability, including an analysis of proposed angles of cut and fill, and site grading,
    - g. Recommendations for building limitations, structural foundations, and an estimate of foundation settlement, and
    - h. An analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion;
  3. Erosion and Sediment Control Plan. For any development proposal on a site containing an erosion hazard area, an erosion and sediment control plan shall be required. The erosion and sediment control plan shall be prepared in compliance with requirements set forth in CMC Chapter 15.32, CMC Chapter 17.21 and the city of Camas Design Standard Manual;
  4. Drainage Plan. The report shall include a drainage plan for the collection, transport, treatment, discharge, and/or recycle of water prepared in accordance with CMC Chapter 17.21 and the city of Camas Design Standard Manual;
  5. Mitigation Plans. Hazard and environmental mitigation plans for erosion and landslide hazard areas shall include the location and methods of drainage, surface water management, locations and methods of erosion control, a vegetation management and/or replanting plan, and/or other means for maintaining long-term soil stability;
  6. Monitoring Surface Waters. If the city determines that there is a significant risk of damage to downstream waters due to potential erosion from the site, based on the size of the project, the proximity to the receiving waters, or the sensitivity of the receiving waters, the critical area report shall include a plan to monitor the surface water discharge from the site. The monitoring plan shall include a recommended schedule for submitting monitoring reports to the city.
- B. Seismic Hazard Areas. In addition to the basic report requirements, a critical area report for a seismic hazard area shall also meet the following requirements:

1. The site map shall show all known and mapped faults within three hundred feet of the project area, or that have potential to be affected by the proposal.
  2. The geotechnical analysis shall include a complete discussion of the potential impacts of seismic activity on the site (for example, forces generated and fault displacement).
- C. Other Geologically Hazardous Areas. In addition to the basic report requirements, the city may require additional information to be included in the critical area report when determined to be necessary to review the proposed activity and the subject hazard. Additional information that may be required, includes, but is not limited to:
1. Site Plan. The site plan shall show all known hazard areas located within three hundred feet of the project area, or that have potential to be affected by the proposal; and
  2. Geotechnical Analysis. The geotechnical analysis shall include a complete discussion of the potential impacts of the hazard on the project area and of the proposal on the hazard.

#### 16.59.080 - PERFORMANCE STANDARDS—GENERAL REQUIREMENTS.

Alterations of geologically hazardous areas or associated management zones may only occur for activities that will not adversely impact or pose a threat to adjacent properties or critical areas, and are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than pre-development conditions.

#### 16.59.090 - PERFORMANCE STANDARDS—SPECIFIC HAZARDS.

- A. Erosion and Landslide Hazard Areas. Activities on sites containing erosion or landslide hazards shall meet the following requirements:
1. Management Zone Required. A management zone shall be established from all edges of erosion or landslide hazard areas. The size of the management zone shall be determined by the city to eliminate or minimize the risk of property damage, death, or injury resulting from erosion and landslides caused in whole or part by the development, based upon review of and concurrence with a critical area report prepared by a qualified professional.
    - a. Management Zone Established. A management zone shall be established from the edges of areas characterized by steep slopes, potentially unstable soils, erosion potential, or seismic activity. The management zone will be established by a qualified professional and shall adequately protect the proposed development, adjacent developments, and subject critical area. The management zone shall generally be equal to the height of the slope, or fifty feet, whichever is greater. A management zone less than fifty feet may be established if a qualified professional determines that such reduction will adequately protect the proposed development, adjacent developments, and subject critical area.
    - b. Increased Management Zone. The management zone may be increased where the city determines a larger management zone is necessary to prevent risk of damage to proposed and existing development(s);
  2. Design Standards. Development under this section shall be designed to meet the following basic requirements. The requirement for long-term slope stability shall exclude designs that require periodic maintenance or other actions to maintain their level of function. The basic development design standards are:
    - a. The proposed development shall not decrease the factor of safety for landslide occurrences below the limits of 1.5 for static conditions, and 1.2 for dynamic conditions. Analysis of

- dynamic conditions shall be based on a minimum horizontal acceleration as established by the current version of the International Building Code,
- b. Structures and improvements shall be clustered to avoid geologically hazardous areas and other critical areas,
  - c. Structures and improvements should minimize alterations to the natural contour of the slope, and foundations shall be tiered where possible to conform to existing topography,
  - d. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation,
  - e. The proposed development shall not result in greater risk or a need for increased management zones on neighboring properties,
  - f. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes, and
  - g. Development shall be designed to minimize impervious lot coverage;
3. Vegetation Removal. Within a geologically hazardous area and related management zone, removal of vegetation shall be limited to the following:
    - a. Selective vegetation removal as provided under CMC Section 16.51.130, or
    - b. The city may authorize, as part of a critical area review, vegetation removal that has been determined to have no greater adverse impact on the geologically hazardous area, and is not necessary for mitigating any other impact under this code. The determination of no greater adverse impact will take into consideration a vegetation removal plan prepared by a certified landscape architect or arborist, and reviewed by a geotechnical engineer;
  4. Seasonal Restriction. Clearing and grading under a city permit shall be allowed only from May 1st to October 1st of each year, provided that the city may extend or shorten the dry season on a case-by-case basis depending on actual weather conditions;
  5. Utility Lines and Pipes. Utility lines and pipes shall be permitted in erosion and landslide hazard areas only when the applicant demonstrates that no other practical alternative is likely. The line or pipe shall be appropriately located and designed so that it will continue to function in the event of an underlying failure;
  6. Point Discharges. Point discharges from surface water facilities and roof drains onto or upstream from an erosion or landslide hazard area shall be prohibited except as follows:
    - a. Conveyed via continuous storm pipe downslope to a point where there are no erosion hazards areas downstream from the discharge,
    - b. Discharged at flow durations matching predeveloped conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the predeveloped state, or
    - c. Dispersed discharge upslope of the steep slope onto a low-gradient undisturbed management zone demonstrated to be adequate to infiltrate all surface and stormwater runoff;
  7. Roads and utilities (see subsection (A)(5) of this section) may be permitted within a geologic hazard area or management zone if the city determines that no other reasonable alternative exists which could avoid or minimize impacts to a greater extent.
- B. Seismic Hazard Areas. Activities proposed to be located in seismic hazard areas shall meet the standards of CMC Section 16.59.080.
  - C. Other Hazard Areas. Activities on sites containing or adjacent to geologically hazardous areas, shall meet the standards of CMC Section 16.59.080.

## CHAPTER 16.61 - FISH AND WILDLIFE HABITAT CONSERVATION AREAS

### Sections:

#### 16.61.010 - DESIGNATION OF FISH AND WILDLIFE HABITAT CONSERVATION AREAS.

- A. Fish and wildlife habitat conservation areas include:
1. Areas with Which State or Federally Designated Endangered, Threatened, and Sensitive Species Have a Primary Association. The presence or absence of such species shall be determined by the field studies required by this section. Lists, categories and definitions of species promulgated by National Marine Fisheries Service (NMFS) and Washington Department of Fish and Wildlife (WDFW) are provided to the city to be used for guidance only.
  2. State Priority Habitats and Areas Associated with State Priority Species. Priority habitats and species are considered to be priorities for conservation and management. Priority species require protective measures for their perpetuation due to their population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance. Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. Priority habitats and species are identified by the state Department of Fish and Wildlife.
  3. Habitats of local importance as identified by the city's parks and open space plan as natural open space, or as listed below:
    - a. Oregon White Oaks.
      - i. Individual Oregon White Oak trees with a twenty-inch diameter at breast height (twenty inches dbh).
      - ii. Stands of Oregon White Oak trees greater than one acre, when they are found to be valuable to fish and wildlife (i.e., may include trees with cavities, large diameter breast height (twelve inches dbh), are used by priority species, or have a large canopy.
      - iii. All Oregon White Oak snags unless determined by an arborist to be a hazard.
    - b. Camas Lily. To the extent practicable, Camas lily fields of a significant concentration (one-fourth acre) shall be preserved. If impacts or removal of significant concentrations of Camas lily are proposed, the proposal must include an evidence that the exploration of development options has included:
      - i. Maintaining Camas lily concentrations as they currently exist on site; and
      - ii. The option of transplanting Camas lily concentrations to other portions of the property. The proposal may be approved as proposed provided a finding is made based upon evidence that subsection (A)(3)(b)(i) and this subsection have been explored, that it is not possible to maintain significant concentrations of Camas lily on-site.
  4. Naturally Occurring Ponds Under Twenty Acres. Naturally occurring ponds are those ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds. Naturally occurring ponds do not include ponds deliberately designed and created from dry sites, such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds, and landscape amenities, unless such artificial ponds were intentionally created for mitigation.
  5. Waters of the State. Waters of the state includes lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the

jurisdiction of the state of Washington, as classified in WAC 222-16-031, or its successor. This does not include man-made ditches or bio-swales that have been created from areas not meeting the definition of waters of the state. Furthermore, wetlands designation and protection are regulated under CMC Chapter 16.53.

6. Bodies of water planted with game fish by a governmental or tribal entity.
7. State Natural Area Preserves and Natural Resource Conservation Areas. Natural area preserves and natural resource conservation areas are defined, established, and managed by the State Department of Natural Resources.

All areas within the city of Camas meeting one or more of these criteria, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this title.

- B. Mapping. The approximate location and extent of habitat conservation areas are shown on the critical area maps adopted by the city of Camas, as most recently updated. Existing and updated Washington Department of Fish and Wildlife (WDFW) and Department of Natural Resources (DNR) mapping of priority habitat, water types, shore zones, salmonoid distribution, and State Natural Resources Preserves is hereby adopted by reference. WDFW and DNR mapping is to be used for guidance purposes only. In addition, the mapping included within the Camas parks and open space plan identifies areas of potential natural open spaces.

These maps are to be used as a guide for the city of Camas, project applicants, and/or property owners, and should be continuously updated as new critical areas are identified. They are a reference and do not provide a final critical area designation.

#### 16.61.020 - CRITICAL AREA REPORT—REQUIREMENTS FOR HABITAT CONSERVATION AREAS.

- A. Prepared by a Qualified Professional. A critical areas report for a habitat conservation area shall be prepared by a qualified professional who is a biologist with experience preparing reports for the relevant type of habitat.
- B. Areas Addressed in Critical Area Report. The following areas shall be addressed in a critical area report for habitat conservation areas:
  1. Within a subject parcel or parcels, the project area of the proposed activity;
  2. All wetlands and recommended buffer zones within three hundred feet of the project area within the subject parcel or parcels;
  3. All shoreline areas, water features, floodplains, and other critical areas, and related buffers within three hundred feet of the project area of the subject parcel or parcels; and
  4. The project design and the applicability of the buffers based on the proposed layout and the level of land use intensity.
- C. Habitat Assessment. A habitat assessment is an investigation of the project area to evaluate the presence or absence of a potential critical fish or wildlife species or habitat. A critical area report for a habitat conservation area shall contain an assessment of habitats, including the following site- and proposal-related information at a minimum:
  1. Detailed description of vegetation on and adjacent to the project area;
  2. Identification of any species of local importance, priority species, or endangered, threatened, sensitive, or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;

3. A discussion of any federal, state, or local special management recommendations, including Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area;
  4. A discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve existing habitats and restore any habitat that was degraded prior to the current proposed land use activity, and to be conducted in accordance with mitigation sequencing (Section 16.51.170); and
  5. A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs.
- D. Additional Information May be Required. When appropriate due to the type of habitat or species present or the project area conditions, the city may also require the habitat management plan to include:
1. An evaluation by the Department of Fish and Wildlife or qualified expert regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate;
  2. An evaluation by the local Native American Indian Tribe; and
  3. Detailed surface and subsurface hydrologic features both on and adjacent to the site.

#### 16.61.030 - PERFORMANCE STANDARDS—GENERAL REQUIREMENTS.

##### A. Mitigation Standards.

1. Applicants proposing activities subject to this chapter shall demonstrate that the activity:
  - a. Substantially maintains the level of habitat functions and values as characterized and documented using best available science; and
  - b. Minimizes habitat disruption or alteration beyond the extent required to undertake the proposal.
2. If it is determined that habitat designated under this chapter will incur a net loss in functions and values, all losses shall be mitigated on-site as a first priority, and off-site thereafter.
  - a. Where on-site mitigation that could adequately address the loss is infeasible, the applicant shall consult with a qualified habitat restoration specialist, the city, and the Washington State Department of Fish and Wildlife regarding off-site mitigation. Mitigation shall prioritize the preservation and restoration of Lower Washougal River instream and riparian habitat, and should be guided by the Washougal River Subbasin chapter of the Lower Columbia Salmon Recovery Plan.
  - b. If on-site mitigation is infeasible, payment may be accepted in lieu of an off-site mitigation project. At a minimum, such payment shall be equivalent to the cost of implementing an acceptable off-site project, as estimated by a qualified professional approved by the city, in consultation with the Washington State Department of Fish and Wildlife. The city shall use these funds for habitat improvements it believes are in the best interest of the city and provide a greater ecological benefit than the alternative off-site project. Habitat improvements under this section are subject to the following criteria:
    - i. Fees will be used to fund a clearly defined mitigation project;
    - ii. The project being funded will result in an increase in function that adequately compensates for the permitted impacts;

- iii. Preference is given to projects within the same drainage basin as the impact, if they can provide similar functional improvements;
  - iv. There is a clear timeline for completing the mitigation project; and
  - v. There are provisions for long-term protection and management, including mechanisms such as conservation easements, and funding for long-term monitoring and maintenance of the site.
3. Alternate Mitigation.
- a. Habitat Mitigation Banking.
    - i. Construction, enhancement, or restoration of habitat to use as mitigation for future habitat development impacts is permitted subject to the following:
      - (A) A critical area permit shall be obtained prior to any mitigation banking. If a habitat permit is not obtained prior to mitigation bank construction, mitigation credit shall not be awarded. On projects proposing off-site habitat banking in addition to required habitat mitigation, a separate habitat permit shall be required for each activity;
      - (B) Federal and state habitat regulations, if applicable, may supersede city requirements.
    - ii. The mitigation credit allowed will be determined by the city, based on the habitat category, condition, and mitigation ratios as specified in this chapter. Prior to granting mitigation banking credit, all habitat mitigation banking areas must comply with the applicable sections of this chapter and Chapter 16.51.
    - iii. On projects proposing off-site habitat banking in addition to required habitat mitigation, a separate permit fee will be required for each activity.
    - iv. Purchase of banked habitat credits is permitted to mitigate for habitat impacts in the same watershed, provided the applicant has minimized habitat impacts, where reasonably possible, and the following requirements are met:
      - (A) Documentation, in a form approved by the city, adequate to verify the transfer of habitat credit shall be submitted; and
      - (B) A plat note, along with information on the title, shall be recorded in a form approved by the city as adequate to give notice of the requirements of this section being met by the purchase of banked habitat credits.
4. Subject to individual circumstances, potential mitigation measures may include, but are not limited to, the following:
- a. Establishment of buffers;
  - b. Requirement of a performance bond, when necessary, to ensure completion and success of the proposed mitigation;
  - c. Avoiding the impact all together by not taking a certain action or parts of an action;
  - d. Exploring alternative on-site locations to avoid or reduce impacts of activities;
  - e. Preserving important vegetation and natural habitat features by establishing buffers, or by limiting clearing or alteration;
  - f. Replacing invasive exotic plants with native species (refer to the Clark County Native Plant Communities Guide or other relevant publications for guidance);
  - g. Prohibiting introduction of invasive plant species in habitat areas;
  - h. Enhancing, restoring, or replacing vegetation or other habitat features and functions;

- i. Using native plants where appropriate when planting within habitat areas (refer to the Clark County Native Plant Communities Guide or other relevant publications for guidance);
  - j. Managing access to habitat areas, including exclusionary fencing for livestock, if needed;
  - k. Using existing stream crossings whenever a review of suitability, capacity, access and location, habitat impacts of alternatives, maintenance, liability, and economics indicate the existing crossing is feasible;
  - l. Constructing new stream crossings, when necessary, in conformance to the water crossing structure standards in WAC 220-110-070 (Hydraulic Code Rules), which are incorporated by reference;
  - m. Seasonally restricting construction activities;
  - n. Implementing best management practices and integrated management practices;
  - o. Monitoring or review of impacts and assurance of stabilization of the area;
  - p. Establishing performance measures or bonding;
  - q. Establishing conservation covenants and other mechanisms to ensure long-term preservation or maintenance of mitigation actions;
  - r. Utilizing low-impact development techniques;
  - s. Promoting water quality by limiting the use of lawn and garden chemicals in habitat areas; and/or
  - t. Avoiding topsoil removal and minimizing topsoil compaction.
- B. Nonindigenous Species Shall not be Introduced Via Mitigation. No plant, wildlife, or fish species not indigenous to the region shall be introduced, via mitigation, into a habitat conservation area.
- C. Mitigation Should Result in Contiguous Corridors. In accordance with a mitigation plan, mitigation sites should preferably be located by the following and in priority order:
- 1. On-site and contiguous to wildlife habitat corridors; or
  - 2. Off-site that is adjacent to the subject site and contiguous to wildlife habitat corridors; or
  - 3. Mitigation within the natural open space network, as identified in the comprehensive parks and open space plan, may be allowed for off-site mitigation or in place of on-site mitigation, where development and mitigation will result in an isolating effect on the habitat.
- D. Approvals of Activities may be Conditioned. The city shall condition approvals of activities allowed within or adjacent to a habitat conservation area or its buffers, as necessary to minimize or mitigate any potential adverse impacts. Conditions may include, but are not limited to:
- 1. Establishment of buffers;
  - 2. Preservation of critically important vegetation;
  - 3. Limitation of access to the habitat area, including fencing to deter unauthorized access;
  - 4. Seasonal restriction of construction activities;
  - 5. Establishment of a duration and timetable for periodic review of mitigation activities; and
  - 6. Requirement of a performance bond, when necessary, to ensure completion and success of proposed mitigation.
- E. Buffers.
- 1. Establishment of Buffers. The director shall require the establishment of buffer areas for activities in, or adjacent to, habitat conservation areas when needed to protect habitat conservation areas. Buffers shall consist of an undisturbed area of native vegetation, or areas identified for restoration, established to protect the integrity, functions, and values of the affected habitat. Required buffer

widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby, and should be consistent with the management recommendations issued by the State Department of Fish and Wildlife.

2. Seasonal Restrictions. When a species is more susceptible to adverse impacts during specific periods of the year, seasonal restrictions may apply. Larger buffers may be required and activities may be further restricted during the specified season.
  3. Habitat Buffer Averaging. The director may allow the recommended habitat area buffer width to be averaged in accordance with a critical area report, only if:
    - a. It will not reduce stream or habitat functions;
    - b. It will not adversely affect salmonid habitat;
    - c. It will provide additional natural resource protection, such as buffer enhancement;
    - d. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer;
    - e. The buffer area width is not reduced by more than fifty percent in any location; and
    - f. The buffer area width is not less than twenty-five feet.
- F. Mitigation Plan Requirements. When mitigation is required, the applicant shall submit a mitigation plan as part of the critical areas report. The mitigation plan shall include:
1. Detailed Construction Plans. The mitigation plan shall include descriptions of the mitigation proposed, such as:
    - a. The proposed construction sequence, timing, and duration;
    - b. Grading and excavation details;
    - c. Erosion and sediment control features;
    - d. A planting plan specifying plant species, quantities, locations, size, spacing, and density; and
    - e. Measures to protect and maintain plants until established.

These written descriptions shall be accompanied by detailed site diagrams, scaled cross-sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.
  2. Monitoring Program. The mitigation plan shall include a program for monitoring construction of the mitigation project and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring, and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the mitigation project. The mitigation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years.

The city shall notify the responsible party in writing once the conditions of the monitoring plan are met.
  3. Adaptive Management. The mitigation plan shall include identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.

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.

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
<b>Type S</b>	150 feet
<b>Type F, anadromous fish-bearing stream flowing to reaches with anadromous fish-bearing access</b>	100 feet
<b>Type F, anadromous fish-bearing stream flowing to reaches without anadromous fish-bearing access</b>	75 feet
<b>Type F, non-anadromous fish-bearing stream</b>	75 feet
<b>Type Np</b>	50 feet
<b>Type Ns</b>	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, pond, 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
  - 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.