

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

### 16.01.010 - STATE ENVIRONMENTAL POLICY ACT STATUTORY AUTHORITY.

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

### CHAPTER 16.07 – SEPA CATEGORICAL EXEMPTION AND THRESHOLD DETERMINATIONS

#### 16.07.020 – EXEMPTION LEVELS.

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

Project Types	Exempt Levels in Camas
Single family residential	Up to 9 dwelling units
Multifamily residential	Up to 24 dwelling units
Agricultural structures	Up to 30,000 square feet
Office, school, commercial, recreational, service or storage buildings (including associated parking lots)	Up to 30,000 square feet and associated parking lots of up to 40 spaces.
Parking lots not associated with a structure	Up to 20 parking spaces
Landfills and excavation	Up to 500 cubic yards

- B. Whenever the city establishes new exempt levels under this section, it shall send them to the Department of Ecology, headquarters office, Olympia, Washington, under WAC 197-11-800(1)(c).
- C. 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 critical areas, or within 200 feet of a critical area boundary.

#### 16.13.030 – SEPA CONDITIONS.

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

- A. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this title; and
- B. Such conditions are in writing; and
- C. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and
- D. The city has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and

- E. Such conditions are based on one or more policies in Section 16.13.050 of this chapter, and cited in the license or other decision document.

## CHAPTER 16.19 - FEES

### 16.19.010 – FEES REQUIRED.

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

- A. Threshold determination. For every environmental checklist the city reviews when it is lead agency, the city shall collect a fee in accordance with the most current fee schedule adopted by the city. The time periods provided for by this title for making a threshold determination shall not begin to run until payment of the fee.
- B. Environmental impact statement.
  - 1. When the city is the lead agency for a proposal requiring an EIS and the responsible official determines that the EIS shall be prepared by employees of the city, the city may charge and collect a reasonable fee from any applicant to cover costs incurred by the city in preparing the EIS. The responsible official shall advise the applicant(s) of the projected costs for the EIS prior to actual preparation; the applicant shall post bond or otherwise ensure payment of such costs.
  - 2. 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.
  - 3. 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.

# ARCHAEOLOGICAL

## CHAPTER 16.31 - ARCHAEOLOGICAL RESOURCE PRESERVATION

### 16.31.010 - PURPOSE.

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

The purposes of this chapter are to:

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

### 16.31.015 - ARCHAEOLOGICAL RESOURCES POLICIES

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

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

#### 16.31.020 - DEFINITIONS.

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

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

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

#### 16.31.030 - COORDINATION.

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

#### 16.31.040 - RECORDING.

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

#### 16.31.050 - PERMIT REQUIRED.

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

#### 16.31.060 - APPLICABILITY.

- A. The provisions of this chapter shall apply:
  - 1. When any item of archaeological interest is discovered during the course of a permitted ground-disturbing action or activity (Section 16.31.150);

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

#### 16.31.070 – PREDETERMINATION REPORT REQUIRED.

- A. Predetermination reports shall be required for any nonexempt ground-disturbing action or activity for which a permit or approval is required for the following:
1. Properties within probability level high;
  2. On a parcel of at least five acres within probability levels moderate-high and moderate; or
  3. Within one-fourth mile of a known, recorded archaeological site;
- B. A predetermination shall be required when the director determines that reliable information indicates the possible existence of an archaeological site on a parcel for which an application for a permit or approval for a ground-disturbing action or activity has been submitted.
- C. A predetermination shall be required when any item of archaeological interest is discovered during the course of a permitted ground-disturbing action or activity.
- D. During the predetermination process, the director will determine whether a ground-disturbing action or activity is exempt under Section 16.31.060(B)(3) or 16.31.060(C)(7) of this chapter. In the event that the director is able to make such a determination of exemption based solely upon background research (Section 16.31.080(C)), the city shall reduce the applicant's total fee obligation for the project by one-half of the predetermination fee.
- E. A predetermination shall not be performed when a survey is required under Section 16.31.110 of this chapter.

- F. The director may waive the requirement for a predetermination if the applicant chooses to provide a survey in accordance with Sections 16.31.110 and 16.31.130 of this chapter.

#### 16.31.080 - PREDETERMINATION REPORT STANDARDS.

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

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

#### 16.31.100 - PREDETERMINATION REPORTS AND REVIEW

- A. The completed report shall be submitted to DAHP, to the tribes, as well as the city. Refer to the tribal notification procedures in this chapter (Section 16.31.160).
- B. Predetermination reports shall be reviewed by the director. When the director determines that a predetermination report is complete and adequate, the director shall, based upon the information contained in the report, determine whether an archaeological site is likely to exist.
- C. Where the director determines that an archaeological site is not likely to exist, the application may proceed through the remainder of the development review process.
- D. Where the director determines that an archaeological site is likely to exist, an archaeological resource survey shall be required and carried out in accordance with the provisions of this chapter.

#### 16.31.110 - ARCHAEOLOGICAL RESOURCE SURVEY REQUIRED.

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

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

#### 16.31.120 - SURVEY STANDARDS.

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

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

#### 16.31.130 - SURVEY REPORTS.

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

#### 16.31.140 - REVIEW OF SURVEY REPORTS AND FURTHER ACTION.

- A. Survey reports shall be reviewed by the director.
- B. When the director determines that a survey report is complete and adequate, the director shall, based upon the information contained in the report, determine whether an archaeological site has been identified.
- C. Where the director determines that no archaeological site has been identified, the application may proceed through the remainder of the development review process.
- D. Where the director determines that an archaeological site has been identified and DAHP and the tribes concur 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.
- F. Priority for protection in-place and thorough evaluation and data recovery shall be given to significant archaeological sites. Bonding may be required to ensure that the site is treated in accordance with the director's recommendation and provisions of the state permit.
- G. The City will coordinate with the state if monitoring and future corrective measures are 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. 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.
- D. In the event any archaeological or historic materials are encountered during project activity, work in the immediate area (initially allowing for a one hundred-foot buffer; this number may vary by circumstance) must stop and the following actions taken:
  1. Implement reasonable measures to protect the discovery site, including any appropriate stabilization or covering; and
  2. Take reasonable steps to ensure the confidentiality of the discovery site; and
  3. Take reasonable steps to restrict access to the site of discovery.4. The project proponent will notify the concerned tribes and all appropriate city, county, state, and federal agencies, including the Washington State Department of Archaeology and Historical Preservation (DAHP).
  5. The agencies and tribe(s) will discuss possible measures to remove or avoid cultural material, and will reach an agreement with the project proponent regarding action to be taken and disposition of material.
  6. If human remains are uncovered, appropriate law enforcement agencies shall be notified first, and the above steps followed. If the remains are determined to be native, consultation with the affected tribes will take place in order to mitigate the final disposition of said remains.

#### 16.31.160 - NOTIFICATION TO TRIBES.

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

#### 16.31.170 - ENFORCEMENT.

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

### CHAPTER 16.33 - PUBLIC VIEW & OPEN SPACE PROTECTION

#### 16.33.010 - PUBLIC VIEW & OPEN SPACE PROTECTION POLICIES

##### A. Policy Background.

1. Camas has a magnificent natural setting of greenery, mountains, and water; visual amenities and opportunities are an integral part of the city's environmental quality.
2. The city has developed particular sites for the public's enjoyment of views of mountains, water, open space networks and skyline and has many scenic routes and other public places where such views enhance one's experience.
3. Obstruction of public views or open space networks may occur when a proposed structure is located in close proximity to the street property line, when development occurs on lots situated at the foot of a street that terminates or changes direction because of a shift in the street grid pattern, when buildings are built on a ridge line, or when development along a street creates a continuous wall separating the street from the view.
4. As part of the city's character, it is important to preserve sites and structures which reflect significant elements of the city's historic heritage and to designate and regulate such sites and structures as historic landmarks.
5. Adopted land use regulations attempt to protect private views through height and bulk controls and other zoning regulations but it is impractical to protect private views through project-specific review.

##### B. Policies.

1. It is the city's policy to protect public views of the following significant natural and human-made features:
  - a) Mount Hood;
  - b) The Columbia River;
  - c) Lacamas Lake;
  - d) The Washougal River; and
  - e) The natural backdrop of Lacamas Lake and the Washougal River, as viewed from public rights of way, public open spaces and water bodies, public trails and parks, or land that is planned for inclusion in the Open Space Network as identified in the City of Camas Park, Recreation and Open Space Comprehensive Plan (as currently adopted).
3. It is the city's policy to protect public views of historic sites or landmarks designated by the city or identified in the review process which, because of their prominence of location or contrasts or siting, age, or scale, are easily identifiable visual features of their neighborhood or the city and contribute to the distinctive quality or identity of their neighborhood or the city.
4. A proposed project may be conditioned or denied to mitigate view impacts.

5. Mitigating measures may include, but are not limited to:
  - a. Requiring a change in the height of development;
  - b. Requiring a change in the bulk of the development;
  - c. Requiring a redesign of the profile of the development;
  - d. Requiring on-site view corridors or requiring enhancements to off-site view corridors;
  - e. Relocating the project on the site;
  - f. Requiring a reduction or re-arrangement of walls, fences, or plant material; and
  - g. Requiring a reduction or rearrangement of accessory structures including, but not limited to, tower railings and antennae.

C. Visual Analysis Required.

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

## CHAPTER 16.35 - HISTORIC PRESERVATION

### 16.35.010 - PURPOSE.

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

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

### 16.35.020 - APPLICABILITY.

This chapter applies to:

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

#### 16.35.030 - DEFINITIONS.

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

1. "Board" shall refer to the Board of County Councilors, except where reference is made to the "local review board" for purposes of the special valuation tax incentive program.
2. "Clark County cultural resources inventory" or "inventory" means a comprehensive inventory of historic resources within the boundaries of Clark County including resources identified in the Clark County cultural resources inventory and other inventories by local jurisdictions within Clark County.
3. "Commission" means the "Clark County Historic Preservation Commission."
4. "Contributing" means a property which dates to the historic period and retains sufficient physical integrity so as to convey its historic character.
5. "Cultural resources" consist of historic or prehistoric or archaeological sites and standing structures, cemeteries, burial grounds and funerary objects and distributions of cultural remains and artifacts.
6. "Emergency repair" means work necessary to prevent destruction or dilapidation to real property or structural appurtenances thereto immediately threatened or damaged by fire, flood, earthquake or other disaster.
7. "Historic district" is a geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development.
8. "National Register of Historic Places" means the national listing of properties significant to our cultural history because of their documented importance to our history, architectural history, engineering or cultural heritage.
9. "Noncontributing" means a property which either does not date to the historic period or has not retained sufficient physical integrity so as to convey its historic character.
10. "Ordinary repair and maintenance" means work for which a permit issued by the city is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structure appurtenance therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay or damage.
11. "Qualified archaeologist" means a person who has had formal training and/or experience in archaeology over a period of at least three years, and has been certified in writing to be a qualified archaeologist by two professional archaeologists, as defined in RCW 27.53.030.
12. "Significance" shall refer to a quality of a property which helps one understand the history of the local area, state, or nation by illuminating the local, statewide or nationwide impact of the events or persons associated with the property, or its architectural type or style in information potential. The local area may be as large as Clark County or Southwest Washington, or as small as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to one or more localities; state significance to a theme important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.
13. "Special valuation tax incentive program" or "special valuation" means the local option program, which makes available to property owners a special tax valuation for rehabilitation

of historic property(ies). This program allows the assessed value of an eligible historic property to be based on a rate that excludes, for up to ten years, the actual cost of the rehabilitation.

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

#### 16.35.040 - CLARK COUNTY HISTORIC PRESERVATION COMMISSION.

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

#### 16.35.100 - CLARK COUNTY CULTURAL RESOURCES INVENTORY.

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

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# CRITICAL AREAS

## CHAPTER 16.51 - GENERAL PROVISIONS

### 16.51.090 - APPLICABILITY.

The following proposed activities 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; and
- K. Other activities as specified within this title.

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

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

#### 16.51.125 VEGETATION REMOVAL PERMIT

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

1. The applicant must submit a report from a certified arborist or professional forester that documents the hazard and provides a pruning plan or replanting plan for the replacement trees and vegetation. Report must be prepared by a professional unaffiliated with the company proposing to remove the tree(s).
2. Tree pruning is preferred over felling. Pruning includes the removal of a hazardous branch; crown thinning or crown reduction. When pruning is insufficient to address the hazard, then trees should be removed as justified by a qualified professional.
  - a. Tree topping is prohibited. Topping is the indiscriminate cutting of tree branches to stubs or to lateral branches that are not large enough to assume the terminal role.
  - b. Reduction. Reduction reduces the size of a tree, often for utility line clearance. Reducing a tree's spread is best accomplished by pruning back the leaders and branch terminals to secondary branches that are large enough to assume the terminal roles. Compared to topping, reduction helps maintain the form and structural integrity of the tree.
  - c. Crown cleaning and thinning. Proper pruning opens the foliage of a tree, reduces weight on heavy limbs, and helps retain the tree's natural shape. Cleaning is the removal of dead, dying, diseased, weakly attached, and low-vigor branches from the crown of a tree. Thinning is selective small branch removal to improve structure and to increase light penetration and air movement through the crown.

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

1. Tree species that are native and indigenous to the site and a minimum caliper of two inches shall be used.
2. If a tree to be removed provides critical habitat, such as an eagle perch, a qualified wildlife biologist shall be consulted to determine timing and methods of removal that will minimize impacts.

C. 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 by the landowner prior to receiving written approval from the city; provided, that within fourteen days following such action, the landowner shall submit a proof of hazard (e.g. photos) together with a restoration plan that demonstrates compliance with these provisions.

#### 16.51.130 - REVIEW REQUIRED.

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

been prepared by a qualified professional. If the report concludes that there is a critical area present then the city of Camas shall:

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

#### 16.51.140 - 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 must 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 shall be maintained throughout construction, and shall not be removed until installation of permanent signs, if required, or final city approval is granted.
- B. Permanent Signs. The city may require, as a condition of any permit or authorization issued pursuant to this chapter, that the applicant install permanent signs along the boundary of a critical area or management zone to city standards.
- C. Fencing.
1. Installation of a permanent fence at the edge of the habitat conservation area or management zone is required. Fencing may be waived in the following circumstances:
    - a. The applicant demonstrates that fencing will not minimize or prevent future impacts to the habitat conservation area.
    - b. The director determines that a proposed use adjoining the buffer does not pose a threat to the critical area and buffer functions, or there is a public safety issue.
  2. Fencing installed as part of a proposed activity, or as required in this subsection, shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed four feet high and in a manner that minimizes habitat impacts. Approved fencing styles include: vinyl coated chain link, wooden split rail, or similar as approved by the city.
  3. Required fencing/thorny shrubs. The director may determine that planting of densely spaced, noninvasive, thorny shrubs to restrict access may be installed, rather than fencing if it would better protect the critical area and buffer functions.

#### 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.

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# WETLANDS

## CHAPTER 16.53 - WETLANDS

### 16.53.040 - STANDARDS.

- A. Activities and uses shall be prohibited from wetlands and wetland buffers, except as provided for in this chapter.
- B. Wetland Buffers.
  - 3. Where a residential plat is proposed, wetlands and wetland buffers shall be placed within a non-buildable tract. Refer to density transfer options within CMC Chapter 18.09 Density and Dimensions, if lot dimensions are reduced below minimum standards.
  - 4. Adjusted Buffer Width.
    - 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, twelve inch (12") by eighteen inch (18") signs shall be posted on a six foot high green steel post at an interval of one per lot or every one hundred feet, whichever is greater, 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 Area—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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#### D. STANDARDS—WETLAND ACTIVITIES. THE FOLLOWING ADDITIONAL STANDARDS APPLY TO THE APPROVAL OF ALL ACTIVITIES PERMITTED WITHIN WETLANDS UNDER THIS SECTION

5. Alternate Wetland Mitigation.
  - 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. 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.
7. 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.

## 16.61.040 - PERFORMANCE STANDARDS—SPECIFIC HABITATS.

- A. Endangered, Threatened, and Sensitive Species.
  - 1. No development activity 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 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.** The following specific activities may be permitted within a stream buffer area, and ponds or associated buffer when the activity complies with 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.