

DAWSON’S RIDGE
DENSITY TRANSFER SUBDIVISION

06/02/2017, updated 08/09/2017

McIntosh Ridge PRD, LLC, applicant

[Table of Contents](#)

I.	REVIEW REQUESTED	1
II.	PROJECT LOCATION AND IDENTIFICATION	1
III.	INTRODUCTION.....	1
IV.	PROJECT DESCRIPTION	1
V.	COMPREHENSIVE PLAN	2
	ECONOMIC DEVELOPMENT POLICIES.....	2
	HOUSING POLICIES	2
	LAND USE POLICIES	3
	NATURAL ENVIRONMENT POLICIES	5
	TRANSPORTATION POLICIES.....	5
VI.	LAND DEVELOPMENT (CMC CHAPTER 17).....	6
	GENERAL PROVISIONS- (CMC 17.01).....	6
	SUBDIVISION- (CMC 17.11).....	7
	DESIGN & IMPROVEMENT STANDARDS- (CMC 17.19).....	15
	PROCEDURES FOR PUBLIC IMPROVEMENTS- (CMC 17.21)	31
VII.	ZONING (CMC CHAPTER 18)	35
	DENSITY AND DIMENSIONS- (CMC 18.09)	35
	PARKING- (CMC 18.11)	37
	SIGNS- (CMC 18.15)	38
	SUPPLEMENTAL DEVELOPMENT STANDARDS- (CMC 18.17).....	38
	ADMINISTRATION AND PROCEDURES- (CMC 18.55)	40
VIII.	ENVIRONMENT	41
	SEPA CATEGORICAL EXEMPTION AND THRESHOLD DETERMINATIONS- (CMC 16.07)	41
	ARCHAEOLOGICAL RESOURCE PRESERVATION- (CMC 16.31)	42
	PUBLIC VIEW AND OPEN SPACE PROTECTION - (CMC 16.33)	50
	GENERAL PROVISIONS FOR CRITICAL AREAS - (CMC 16.51)	54

WETLANDS- (CMC 16.53)	67
GEOLOGICALLY HAZARDOUS AREAS- (CMC 16.59)	89
FISH AND WILDLIFE HABITAT CONSERVATION AREAS- (CMC 16.61)	98
SENSITIVE AREAS AND OPEN SPACE- (CMC 18.31)	109
IX. FIRE PREVENTION	112

ATTACHMENTS

Application Form
Fee

PLANS

1. Preliminary Plat
2. Existing Conditions Plan
3. Conceptual Landscape Plan
4. Preliminary Utility Plan
5. Preliminary Grading Plan
6. Preliminary Tree Retention Plan

APPENDICES

- A. Pre-Application Notes
- B. Legal Descriptions & Existing Easements
- C. Certified Mailing Labels and Map
- D. SEPA Checklist
- E. Archaeological Reports
- F. Traffic Impact Study
- G. Geotechnical Report
- H. Wetland Delineation Report
- I. Wetland/Habitat Mitigation Reports
- J. Habitat Report
- K. Tree Report
- L. Preliminary Stormwater Report
- M. Draft Homeowners' Association Document
- N. Draft Development Agreement
- O. Covenant

PROJECT NARRATIVE

I. REVIEW REQUESTED

The applicant is requesting review and approval of the following applications:

1. Density Transfer Subdivision in an R-15 zone
2. SEPA Checklist

II. PROJECT LOCATION AND IDENTIFICATION

The proposed Dawson's Ridge Density Transfer Subdivision is located on 21.74 acres south of NW McIntosh Road in Camas, WA. The recently adjusted and recorded parcel numbers are 127175-000 (15.68 acres) and 127144-000 (6.06 acres). The site is zoned R-15, with Comprehensive Plan designation of Single-family, Low. The site is bounded by R-15 zoned property to the west, south and east, and R-12 and R-7.5 property located to the north across NW McIntosh Rd.

III. INTRODUCTION

The Dawson's Ridge property is located near the southwest corner of Camas. The property includes gently sloped pasture areas and forested slopes along a riparian corridor. Current uses located adjacent to the proposed project area include two residences, which sit on two of the existing residential lots that are aligned along the ridge. Those offsite residential parcels will be developed separately but will share the proposed Dawson's Ridge private access road.

An equestrian center is located on the project property. The equestrian center has been operating for at least the past ten years, offering classes and horse boarding for the general public. The equestrian center will be maintained on it's own parcel until the time of development of Phase 2 of the subdivision.

The Applicant is proposing concurrent review of the project area as a Planned Unit Development (PRD). These two applications are being submitted concurrently due to the lack of certainty of the PRD code applicability encountered so far.

IV. PROJECT DESCRIPTION

The proposed Dawson's Ridge Density Transfer Subdivision will provide 43 new single family lots on a 21.7 acre project site that includes a critical area riparian corridor proposed for preservation.

The proposed preliminary plat provides residences, open space, access and utility improvements in a master-planned setting that preserves unique natural and recreational elements within and adjacent to the project. The Dawson's Ridge Subdivision provides new home sites within a well-ordered structure of landscaped streets and trails that support a residential experience in a natural, pedestrian-friendly environment. Residents will be within a few minute's walk of a

green open space area, and will have access to an extensive and connected greenway system starting with the tree-lined sidewalks along the interior project road. These sidewalks will connect to the proposed trail section within the riparian corridor that runs along the south side of McIntosh Road. From the west end of this trail is another trail section that runs north adjacent to Brady Road. From the north end of that trail section, the Brady Road sidewalk leads to both the Deer Creek trail network and to Prune Hill Park.

The Cantera Equestrian Center, located in the Phase 2 area of the project, provides classes and horse-boarding to the public. This use will be discontinued upon development of Phase 2 of the subdivision.

The project will be accessed from the existing turnaround and driveway located just south of the intersection of NW McIntosh Rd and NW Sacajawea. The proposed interior project road has been designed to also serve the adjacent ridge lots in an efficient manner. The project road is proposed to be a private gated road to provide vehicular control and a sense of identity to the project. The Applicant proposes to pay fees and/or trade property in lieu of frontage development in order to preserve the creek that runs along the south side of McIntosh, and is requesting Deviations due to the nature of the topography in the right-of-way. The proposed Dawson's Ridge Density Transfer Subdivision will contribute a master-planned, connected and green plan in the Prune Hill area.

V. COMPREHENSIVE PLAN

ECONOMIC DEVELOPMENT POLICIES

Gateways and Corridors

ED-6.1: *Ensure development in community gateways meets and, where possible, exceeds, the design principles and guidelines for primary and secondary gateways as described in the Camas Design Review Manual.*

RESPONSE: The project does not include lots that front on Brady Road, so no Gateway Corridor improvements are proposed.

ED-6.2: *Ensure zoning regulations and design standards promote development/redevelopment in gateways that include the gateway and corridor overlay features identified in the Land Use Element and the Camas Design Review Manual.*

RESPONSE: The project does not include lots that front on Brady Road, so no Gateway Corridor improvements are proposed.

HOUSING POLICIES

Citywide Housing

H-1.4: *Require a percentage of newly created lots to include one or more of the following unit types (to be designated on the face of the plat):*

- Single-story dwellings

- Barrier-free dwellings (consistent with Americans with Disabilities Act [ADA] guidelines)
- ADUs, to be constructed concurrent with primary dwellings

RESPONSE: The applicant is anticipating that future development of the site (to be owned and developed by others) will provide as many single-story dwellings with master-on-the-main bedrooms as is feasible. Special provisions to meet ADA requirements will be provided where required, and additional provisions will be made on a house-by-house basis depending on needs of prospective owners.

H-1.7: Require all new housing developments to provide a range of housing types and sizes that are evaluated through the land use approval process and stipulated on the final plat.

RESPONSE: The houses will range in size from 2800 to 3800 s.f. .

Affordable Housing

H-2.3: Any comprehensive plan designation change that increases residential capacity should require a quarter (25 percent) of the new units to be affordable to households earning 50 to 80 percent of Camas' MHI at the time of development.

RESPONSE: The applicant is not requesting a comprehensive plan designation change, so this provision is not applicable.

LAND USE POLICIES

Citywide

LU-1.1: Ensure the appropriate mix of commercial-, residential-, and industrial-zoned land to accommodate the City's share of the regional population and employment projections for the 20-year planning horizon.

RESPONSE: The proposed Subdivision is meeting use and density requirements of the zoned land on which it sits.

LU-1.6: Ensure adequate public facilities (including roads, emergency services, utilities, and schools) exist to serve new development, and mitigate potential impacts to current residents.

RESPONSE: The applicant is proposing to install all required access and utilities, and to pay impact fees for traffic, park, and school, as well as System Development Charges for sewer and water. Impacts will also be mitigated by installing any improvements or mitigation required per the recommendations of consulting professionals (see attached SEPA and studies/reports).

Neighborhoods

LU-3.1: Encourage a variety of housing typologies to support the overall density goal of six dwelling units per acre.

RESPONSE: The applicant is proposing a range of housing sizes appropriate for the proposed lot sizes, from medium to larger single family lots. The proposed project density does not exceed the maximum density of 63 dwelling units for the site.

LU-3.3: Encourage connectivity between neighborhoods (vehicular and pedestrian) to support citywide connectivity and pedestrian access.

RESPONSE: The applicant is proposing a looped road and sidewalk within the project area that will provide access to the adjacent off-site ridge lots. A cul-de-sac and hammerhead are proposed to make efficient use of the project area while responding to site constraints. A road stub will be provided to serve the property to the east, and a pedestrian connection is provided to the south. A trail connection along McIntosh Road is proposed to connect pedestrians to Brady Road, Deer Creek, and Grand Ridge trails.

LU-3.4: Camas residents are protective of the small-town ambiance and family-friendliness of the community. Discourage exclusive neighborhoods, privacy walls, and gated communities.

RESPONSE: First, Neighborhood Policy LU-3.4 must be read in conjunction with Neighborhood Goal LU-3, which states: “Create vibrant, stable, and livable neighborhoods with a variety of housing choices that meet all stages in the life cycle and the range of affordability. [Emphasis added.]” The term “all” ranges of affordability includes high end housing as well as lower income housing and everything in between.

It is also important to remember that LU-3.4 does not “prohibit” gated communities; it merely “discourages” them. When read together, LU-3 and LU-3.4 make it clear that gated communities are allowed under certain limited circumstances in order to provide for “all” ranges of affordability and housing choices in the City of Camas, including higher priced communities for upper income individuals.

Vehicular gate security is an expected feature of higher priced home communities in the Camas and Vancouver markets, and although “discouraged” by LU-3.4, gated communities are nevertheless still allowed and the particular circumstances of the subject property make it uniquely appropriate for a gated community to satisfy the needs of the higher priced range of affordability. The estate properties located directly to the west and east are gated, as well as are many of the properties on the south side of McIntosh.

There are several unique circumstances related to the subject property that are relevant here. The adjacent property to the east is developed with an existing 12,000 square foot mansion toward the southern end of the parcel and an additional outbuilding toward the northern end of the parcel, which have been assessed by Clark County at well over \$2 million just for the improvements (total assessed value, including land and buildings, is \$3,165,684.00). The adjacent property to the west is constrained by a recorded Covenant with the City of Camas limiting it to a single estate dwelling, similar to what currently exists on the adjacent property to the east. Thus, the subject property is sandwiched between two large estate dwelling parcels on either side. The subject property is also constrained by a steep bluff to the south and wetlands, riparian areas as well as an arterial to the north. Based on these constraints, there is little if any opportunity for vehicular connections to be made to other neighborhoods on any side of the property.

Nevertheless, provision for a public vehicle connection for potential future redevelopment of the adjacent property to the east is being provided. Connectivity for future development is not required to the south, west or north due to the presence of forested open space areas on steep slopes to the south and stream/wetland areas and an arterial to the north.

However, pedestrians will be able to access the onsite sidewalk system and McIntosh Road trail section.

The applicant is proposing a vehicular gate to provide vehicular security for the project and offsite ridge lot residents in order to meet the needs of the higher priced range of affordability. Although “discouraged” by LU-3.4, gated communities are allowed by LU-3, and based on the unique facts and circumstances of the subject property, as discussed above, the proposal for a gated community complies with LU-3 and LU-3.4 to meet the needs of the higher range of affordability in the City of Camas.

LU-3.5: Where neighborhoods adjoin natural areas or trails, ensure connections through neighborhoods to enhance access to recreation amenities.

RESPONSE: Pedestrians will be able to access the proposed trail section (a portion of T-11) that follows the stream corridor along the south edge of McIntosh Road. This trail section passes through a wooded section located north of the equestrian facility, and south of the stream corridor.

The proposed off-site trail connection near NW 13th Avenue (a portion of the southern T-5) will allow connection of two Prune Hill trail segments.

Natural Environment

LU-4.4: Development on the edges of the City adjacent to unincorporated land in agricultural use or in a forested or natural state should consider those adjacent uses and, where appropriate, provide buffers.

RESPONSE: The applicant is proposing to preserve the forested area/stream corridor in an open space tract. The proposed development area consists mainly of open field.

NATURAL ENVIRONMENT POLICIES

Park Impact Fees

PIF-3: Ensure creditable parks are no smaller than 3 acres, with the optimum being 5 to 7 acres.

RESPONSE: The applicant is not proposing any creditable parks.

PIF-4: Ensure at least 75 percent of the park site is usable for active recreation, and provide space for both active and passive uses. A minimum of 3 acres should be developed and maintained as detailed in the PROS plan.

RESPONSE: The applicant is not proposing any creditable parks.

TRANSPORTATION POLICIES

Streets

T-1.3: Construct streets that are interconnected and avoid long cul-de-sacs or dead ends. Block lengths should be less than 1,000 feet.

RESPONSE: The applicant is proposing a looped road system as the main site access, with a side cul-de-sac approximately 500' in length. This road design enables the clustered residential lots to be grouped in an efficient manner.

Walking, Bicycling, and ADA Mobility

T-2.3: Include pedestrian and bicycle linkages in the construction of cul-de-sacs and other forms of dead-end streets. Existing dead-end streets should be retrofitted to provide bicycle and pedestrian linkages as practicable.

RESPONSE: There are no current roads or sidewalks located to the south or west of the project site. No future roads or sidewalks are anticipated due to the topography. The proposed cul-de-sac provides a sidewalk on both sides, as well as a pedestrian linkage to the south to connect to any future pedestrian facilities.

Design and Low Impact Development

T-4.3: Encourage the inclusion of LID design features (e.g., rain gardens, grass pavers, pervious pavement) in the design of private driveways, parking lots, and other road surfaces.

RESPONSE: The applicant is proposing a private road to reduce paving impacts and to provide efficient clustering of the proposed neighborhood. Future development of housing will be encouraged to incorporate LID features where possible.

VI. LAND DEVELOPMENT (CMC CHAPTER 17)

GENERAL PROVISIONS- (CMC 17.01)

17.01.050 Survey content.

17.01.050 - Survey content.

A. Information. When a survey is required, the following information shall be included:

- 1. The name of the plat, graphic scale and north arrow. The survey shall be done to a reasonable scale on a standard sheet of mylar.*
- 2. Existing features such as streams, streets, railroads and structures, critical areas (wetlands, steep slopes, environmentally protected), existing wells, easements, potential lines of dispute.*
- 3. The lines and names of all existing or platted streets or other public ways, trails, parks, playgrounds, and easements adjacent to the final plat, land division or dedication, including municipal boundaries, county lines, township lines and section lines.*
- 4. Legal description of the boundaries, including the county tax serial number for each property described.*
- 5. A complete survey of the section or sections in which the plat, tract, parcel, lot or replat is located, if necessary, including:*
 - a. All stakes, monuments or other evidence found on the ground and used to determine the boundaries of the land division. Location and monuments found or reset with respect to any established centerline of streets adjacent to or within the proposed land division. All other monuments found or established in making the survey of this land division or required to be installed by provisions of this title.*
 - b. City or county boundary lines when crossing or adjacent to the land division.*

- c. *The location and width of streets and easements intersecting the boundary of lots and tracts.*
- d. *Tract, block and lot boundary lines; street rights-of-way with centerlines, dimensions, bearings, radii, arcs and central angles, points of curvature and tangent bearings. Tract boundaries, lot boundaries and street bearings shall be shown to the nearest second with basis of bearings. All distances shall be shown to the nearest one-hundredth foot.*
- e. *The width and location of existing and proposed easements and rights-of-way.*
- f. *The width and location of existing trails both public and private.*
- 6. *A certificate with the seal of and signature of the surveyor responsible for the survey and preliminary plat in accordance with RCW 58.09.080.*
- B. *Preliminary plats and preliminary short plats shall also include the following:*
 - 1. *Lot and phase numbers beginning with the number one and numbered consecutively without omission or duplication.*
 - 2. *Tracts to be dedicated to any public or private purpose shall be distinguished from lots intended for general development with notes stating their purpose and any limitations.*
 - 3. *Building Envelopes. The plat shall identify the potentially buildable area, to include identification of required setbacks.*
 - 4. *Land Inventory. The land inventory shall include the following:*
 - a. *Total acreage;*
 - b. *Total developed acreage;*
 - c. *Total lot area;*
 - d. *Total infrastructure acreage (includes storm pond);*
 - e. *Total tract area (if not included in subsection (B)(4)(d) or (f) of this section);*
 - f. *Total acreage of critical areas (i.e., wetlands, steep slopes, buffer zones, stream beds, conservation areas);*
 - g. *Total acreage of recreational open spaces (not included in subsection (B)(4)(e) or (f) of this section i.e., that portion of land set aside for trails). (Ord. 2483 § 1 (Exh. A (part)), 2007; Ord. 2443 § 2 (Exh. A (part)), 2006) ([Ord. No. 2691, § I\(Exh. A\), 1-21-2014](#); [Ord. No. 17-005](#), §§ I(Exh. A), II, III, 5-15-2017)*

RESPONSE: The application includes an Existing Survey and Preliminary Plat.

SUBDIVISION- (CMC 17.11)

17.11.010 Scope

Any land: (a) being divided into ten or more parcels, lots or sites for the purpose of sale or gift, or (b) that has been divided under the short subdivision procedures within five years and is not eligible for further short platting pursuant to CMC Section 17.09.010, shall conform to the procedures and requirements of this chapter. (Ord. 2483 § 1 (Exh. A (part)), 2007)

RESPONSE: The proposed project will contain more than 10 lots and is subject to the provisions of Chapter 17.11.

17.11.020 Decision Process

Applications for preliminary plat approval shall be processed as Type III decision subject to the provisions of CMC Chapter 18.55. (Ord. 2483 § 1 (Exh. A (part)), 2007)

RESPONSE: This application will be processed as a Type III application.

17.11.030 Preliminary Subdivision Plat Approval

A. Pre-application.

1. In accordance with CMC Chapter 18.55 the applicant must proceed with the formal preapplication process prior to application submittal review.

2. The applicant shall submit to the community development department the preapplication form and copies of their proposal drawn to an engineer scale on paper, showing lot sizes, topography, and overall lot dimensions.

RESPONSE: A Preapplication Conference for the project was held on December 15, 2016 (PA16-38). Refer to Appendix A.

B. Application. In addition to those items listed in CMC [18.55.110](#), the following items are required, in quantities specified by community development department, for a complete application for preliminary subdivision approval. Items may be waived if, in the judgment of the community development director or designee, the items are not applicable to the particular proposal:

1. Completed general application form as prescribed by the community development director, with the applicable application fees;

RESPONSE: The Applicant has submitted the appropriate forms and fees.

2. A complete and signed SEPA checklist. The SEPA submittal should also include a legal description of the parcel(s) from deed(s).

RESPONSE: A SEPA Checklist has been submitted. See Appendix D.

3. Complete applications for other required land use approvals applicable to the proposal;

RESPONSE: The applicant has submitted a SEPA checklist for review.

4. A vicinity map showing location of the site;

RESPONSE: Refer to Cover Sheet for vicinity map.

5. A survey of existing significant trees as required under CMC 18.31.080;

RESPONSE: Refer to Tree Retention Plan.

6. All existing conditions shall be delineated. Site and development plans shall provide the following information:

RESPONSE: An Existing Conditions Survey has been submitted.

a. A plat map meeting the standards identified in CMC Section 17.01.050,

RESPONSE: Refer to Preliminary Plat.

b. Owners of adjacent land and the names of any adjacent subdivisions,

RESPONSE: Refer to Preliminary Plat for names of adjacent owners and subdivisions.

c. Lines marking the boundaries of the existing lot(s) (any existing lot to be eliminated should be a dashed line and so noted),

RESPONSE: Refer to Existing Conditions Survey for existing lot lines. Boundary lines have been adjusted – refer to attached BLA Recorded Deed.

d. Names, locations, widths and dimensions of existing and proposed public street rights-of-way and easements and private access easements, parks and other open spaces, reservations and utilities,

RESPONSE: Refer to Preliminary Utility Plan for existing and proposed rights-of-way. Refer to Existing Conditions Survey for existing easements and utilities, and Preliminary Utility Plan, for proposed easements and utilities. Refer to Preliminary Plat and Landscape Master Plan for proposed open space.

e. Location of sidewalks, street lighting and street trees,

RESPONSE: Refer to Preliminary Plat for sidewalks. Street lights are shown on the Preliminary Utility Plan. Street trees will line interior public streets, as modeled on the Landscape Master Plan. Street trees and lawn/groundcover located along the frontage of single-family residential lots will be installed at the time of individual lot development and prior to occupancy of each individual residence. Street trees and lawn/groundcover located along the frontage of open space tracts will be installed at the time of open space tract development. Final placement of street trees will be determined based on final driveway locations, street lighting (if any), utilities and other appurtenances and will not necessarily follow the plans where field conditions are not conducive for tree planting. Street trees will be field adjusted as required while matching the plan as closely as possible.

f. Location, footprint and setbacks of all existing structures on the site,

RESPONSE: There are existing buildings on site associated with the equestrian center. See Existing Conditions Survey.

g. Lot area and dimensions for each lot,

RESPONSE: Refer to Preliminary Plat.

h. Location of proposed new property lines and numbering of each lot,

RESPONSE: Refer to Preliminary Plat.

i. Location of the proposed building envelopes and sewer tanks,

RESPONSE: Refer to Preliminary Plat and Preliminary Utility Plan for location of proposed building envelopes and sewer tanks. Sewer tanks are proposed to be in front yards outside the PUE and at least 5 feet from house. Some of the tanks will be underneath driveways.

j. Location, dimension and purpose of existing and proposed easements. Provide recorded documents that identify the nature and extent of existing easements,

RESPONSE: Refer to Existing Conditions Survey for existing easements; see Preliminary Utility Plan for proposed easements. Documents for existing easements are located in Appendix B.

k. Location of any proposed dedications,

RESPONSE: Refer to Preliminary Utility Plan and Preliminary Plat for proposed dedications.

l. Existing topography at two-foot contour intervals extending to five feet beyond project boundaries,

RESPONSE: Refer to Existing Conditions Survey for existing topography. Refer to Preliminary Grading Plan for proposed topography.

m. Location of any critical areas and critical area buffers to indicate compliance with all applicable provisions of the critical areas legislation,

RESPONSE: There are no wetlands located on the portions of the site subject to development, as reported in the attached Wetland Delineation Report, Appendix H. Wetland buffer impacts will be mitigated as outlined in the Wetland/Habitat Mitigation Reports, Appendix I. There is a Type F (fish bearing perennial) stream and three Type Ns (non fish bearing seasonal) streams located on the property adjacent to McIntosh Road – refer to Habitat Report (Appendix J). Riparian buffer impacts will be mitigated as outlined in the Wetland/Habitat Mitigation Reports, Appendix I. There are sloped areas on the subdivision project site. Steeply sloped areas will not be impacted by development – see Geotechnical Report, Appendix G.

n. Description, location and size of existing and proposed utilities, storm drainage facilities and roads to service the lots,

RESPONSE: Refer to Preliminary Utility Plan.

o. Location of all existing fire hydrants within five hundred feet of the proposal.

RESPONSE: Refer to Preliminary Utility Plan.

7. For properties with slopes of ten percent or greater a preliminary grading plan will be required with the development application that shows:

- a. Two foot contours;*
- b. The proposed lots and existing topography;*
- c. The proposed lots with proposed topography; and*
- d. Total quantities of cut and fill.*

RESPONSE: Refer to Preliminary Grading Plan.

8. Preliminary stormwater plan and report.

RESPONSE: A Preliminary Stormwater plan and report have been submitted with this application. Refer to Appendix L.

9. For properties with development proposed on slopes of ten percent or greater a preliminary geotechnical report will be consistent with CMC Chapter 16.59.

RESPONSE: Refer to Appendix G for Geotechnical report.

10. Clark County assessor's maps which show the location of each property within three hundred feet of the subdivision;

RESPONSE: A current 300' radius Assessor's map is included in Appendix C.

11. Applicant shall furnish one set of mailing labels for all property owners as provided in CMC 18.55.110.

RESPONSE: One set of current mailing labels has been submitted with this application. Refer to Appendix C.

12. Complete and submit a transportation impact study to determine the adequacy of the transportation system to serve a proposed development and to mitigate impacts of the proposal on the surrounding transportation system; and

RESPONSE: This proposed preliminary plat meets traffic levels of service requirements as reviewed in the Transportation Impact Analysis. Refer to Appendix F.

13. A narrative addressing ownership and maintenance of open spaces, stormwater facilities, public trails and critical areas, and the applicable approval criteria and standards of the Camas Municipal Code. It should also address any proposed building conditions or restrictions.

RESPONSE: This narrative document addresses applicable code requirements and ownership and maintenance of commonly-owned facilities.

C. Review Procedures.

1. Referral to Other Departments. Upon receipt of a complete preliminary plat application, the community development department shall transmit one copy of the preliminary plat to any department or agency deemed necessary to review the proposal.

2. The review process shall follow the guidelines of CMC Chapter 18.55 for a Type III application.

3. Public Notice and Public Hearing. The process for public notice, hearings, decisions and appeals shall be as provided for Type III decisions as identified in CMC Chapter 18.55.

D. Criteria for Preliminary Plat Approval. The hearings examiner decision on an application for preliminary plat approval shall be based on the following criteria:

1. The proposed subdivision is in conformance with the Camas comprehensive plan, parks and open space comprehensive plan, neighborhood traffic management plan, and any other city adopted plans;

RESPONSE: The proposed project is in conformance with the Camas Comprehensive Plan by proposing a subdivision that implements the goals for Single Family Low-designated areas, and does not exceed the density of the underlying R-15 zoning. The proposed project is in conformance with the Camas Parks, Recreation and Open Space Comprehensive Plan (PROS) by providing a portion of the T-11 trail in an open space corridor south of McIntosh Road. The PROS plan shows a floating view park symbol to the south of the project site. The view is not available to the south from the project area. The project contributes to access management on NW McIntosh Road by utilizing an existing access point and providing a stub road and road access for properties to the east and west of the project site. The project complies with the Neighborhood Traffic Management Plan

by providing interior streets that will not exceed 25 mph. The project will also contribute to the implementation of the Camas Transportation Six Year Plan by providing funds or equivalent value in trade for the future construction of McIntosh Road along the project frontage.

2. Provisions have been made for water, storm drainage, erosion control and sanitary sewage disposal for the subdivision that are consistent with current standards and plans as adopted in the Camas Design Standard Manual;

RESPONSE: The proposed water, stormwater and sanitary sewer systems will be adequate for the project and are consistent with current standards and plans. Appropriate erosion control practices will be implemented before, during and after construction.

3. Provisions have been made for road, utilities, street lighting, street trees and other improvements that are consistent with the six-year street plan, the Camas Design Standard Manual and other state adopted standards and plans;

RESPONSE: The project will contribute to the implementation of the Camas Transportation Six Year Plan by providing funds or equivalent value in trade toward the future construction of McIntosh Road along the project frontage. The project contributes to access management on NW McIntosh Road by utilizing an existing access point and providing a stub road and road access for properties to the east and west of the project site. Street trees and decorative street lighting will be provided. All necessary utilities and improvements will be provided.

4. Provisions have been made for dedications, easements and reservations;

RESPONSE: Proposed dedications, easements and reservations are shown on the proposed Preliminary Plat and Preliminary Utility Plan.

5. The design, shape and orientation of the proposed lots are appropriate to the proposed use;

RESPONSE: The proposed lots have been appropriately designed for the use. The building envelopes will allow buildings that meet code standards and are anticipated by the developer.

6. The subdivision complies with the relevant requirements of the Camas land development and zoning codes, and all other relevant local regulations;

RESPONSE: This narrative outlines the relevant requirements of the Camas subdivision and zoning codes, and indicates how the project meets those standards.

7. Appropriate provisions are made to address all impacts identified by the transportation impact study;

RESPONSE: The traffic analysis completed for this project conforms to City of Camas Transportation Impact Study Guidelines, and includes intersection impact analysis, sight distance review, turn lane analysis, crash history and local pedestrian and bicycle facilities. The traffic engineer found that the proposed subdivision can be constructed without causing any level of service deficiency or triggering of safety warrants in the vicinity of the site. The only specific roadway improvements

recommended to accommodate this development or mitigate its impact is to install signage and striping.

8. *Appropriate provisions for maintenance of commonly owned private facilities have been made;*

RESPONSE: The applicant proposes a Homeowners' Association (HOA) to provide for the long term maintenance requirements of the development's commonly owned private facilities. The HOA will be responsible for maintaining the private road, gate, open space tracts and common area landscaping within the project boundary. The CC&Rs and provisions for maintaining these commonly owned private facilities will be submitted to the City of Camas for review as part of the Final Plat approval process. A draft Home Owners' Association Document is provided in Appendix M.

9. *Appropriate provisions, in accordance with RCW 58.17.110, are made for:*

a. The public health, safety, and general welfare and for such open spaces, drainage ways, streets, or roads, alleys or other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe conditions at school bus shelter/stops, and for students who walk to and from school, and

RESPONSE: All necessary utilities and services will be provided to adequate levels to preserve the public health, safety and welfare (see attached Preliminary Utility Plan). The development will provide sidewalks within the project site to accommodate the needs of students traveling to and from school bus stops.

b. The public use and interest will be served by the platting of such subdivision and dedication.

RESPONSE: The proposed project implements the intent of the R-15 zoning on the site by creating a new master-planned low-density residential neighborhood, providing street access and utility extension for adjoining sites, and expanding open space preservation areas. The project will also provide impact fees at the time of development and will increase the tax base for the City.

10. *The application and plans shall be consistent with the applicable regulations of the adopted comprehensive plans, shoreline master plan, state and local environmental acts and ordinances in accordance with RCW 36.70B.030. (Ord. 2483 § 1 (Exh. A (part)), 2007) (Ord. No. 2612, § I(Exh. A), 2-7-2011)*

RESPONSE: This project meets the applicable regulations of the adopted Comprehensive Plan by implementing the intent of the zone. Environmental ordinances are met by providing appropriate reports and a SEPA checklist.

17.11.040 Phasing

The subdivider may develop and record the subdivision in phases. Any phasing proposal shall be submitted for review at preliminary plat. In addition to meeting criteria in CMC Chapter 18.23, approval of the phasing plan shall be based upon making the following findings:

A. The phasing plan includes all land contained within the approved preliminary plat, including areas where off-site improvements are being made.

RESPONSE: The Phasing Plan proposes two phases which contain all land within the proposed preliminary plat.

B. The sequence and timing of development is identified on a map.

RESPONSE: There are only two phases in the proposed project, and they will be developed within the allowed time frames for approved preliminary plats.

C. Each phase shall consist of a contiguous group of lots that meets all pertinent development standards on its own. The phase cannot rely on future phases for meeting any city codes with the exception of storm drainage facilities. Storm drainage must be adequate for each phase, and the stormwater plan must adequately meet the needs of the entire development. Storm drainage facility must be included in the first phase.

RESPONSE: There are two phases in the proposed project. The first phase does not rely on the second phase for meeting any city codes. Adequate underground storm drainage facilities will be provided in the first phase.

D. Each phase provides adequate circulation and utilities. Public works has determined that all street and other public improvements, including but not limited to erosion control improvements, are assured. Deferment of some improvements may be allowed pursuant to CMC Chapter 17.21.

RESPONSE: Each phase will provide adequate circulation and utilities. No deferment of improvements is requested.

E. Specific improvements necessary for the entire development may be required to be completed with the first phase, regardless of phase design or completion schedule of future phases, e.g., storm pond must be completed regardless of area where storm pond is located. (Ord. 2483 § 1 (Exh. A (part)), 2007)

RESPONSE: Adequate underground storm drainage facilities will be provided in the first phase.

17.11.050 Limitations on further subdivision

Any land subdivided shall not be further divided for a period of five years after the final plat is recorded. This provision applies to any lots, tracts, or parcels recorded as part of the plat. (Ord. 2483 § 1 (Exh. A (part)), 2007)

RESPONSE: The applicant will abide by this limitation.

17.11.060 Expiration

A. Except as provided by subsection (B) of this section, a final plat meeting all requirements of this chapter shall be submitted to the city for approval within seven years of the date of preliminary plat approval if the date of preliminary plat approval is on or before December 31, 2014, and within five years of the date of preliminary plat approval if the date of preliminary plat approval is on or after January 1, 2015.

B. A final plat meeting all requirements of this chapter shall be submitted to the city for approval within ten years of the date of preliminary plat approval if the project is not subject to requirements adopted under chapter 90.58 RCW, and the date of preliminary plat approval is on or before December 31, 2007.

C. Prior to the expiration date of preliminary plat approvals as defined by subsection (A) of this section, the director may grant an extension of not more than two years, upon written request. The director shall consider economic conditions and such other circumstances as may warrant the extension. If the director denies a request for an extension, the developer may appeal that decision to the city council by filing a written notice of appeal with the director not later than thirty days after the date of the decision.

D. For an application timely submitted pursuant to terms of CMC Section 17.11.040, the approval authority may, upon approval of the preliminary plat, extend the proposed timeline for phased development to seven years maximum from date of preliminary approval to the final plat of the last phase.

E. Expired subdivisions or expired phases of subdivisions must make a new land use application, and shall not be permitted to amend or revise the expired preliminary plats. (Ord. 2483 § 1 (Exh. A (part)), 2007) (Ord. No. 2612, § I(Exh. A), 2-7-2011; Ord. No. 2645, § II, 3-19-2012; [Ord. No. 2691, § I\(Exh. A\), 1-21-2014](#); [Ord. No. 17-005](#), § I(Exh. A), 5-15-2017)

RESPONSE: The applicant will abide by expiration time limits.

DESIGN & IMPROVEMENT STANDARDS- (CMC 17.19)

17.19.010 Applicability

The standards set forth within this chapter are minimum standards applicable to land development. Based on the complexity or circumstances of the project or site conditions location (e.g. critical areas), the decision maker may require a land development to be designed to exceed the minimum standards or impose conditions deemed in the public interest. (Ord. 2483 § 1 (Exh. A (part)), 2007; Ord. 2443 § 2 (Exh. A (part)), 2006)

RESPONSE: The standards of CMC 17.19 apply to this proposed subdivision, and are addressed below.

17.19.020 Improvements, supervision, inspections and permits required

A. Required Improvements.

1. Every developer shall be required to grade and pave streets and alleys, install curbs and gutters, sidewalks, monuments, sanitary and storm sewers, water mains, fire hydrants, street lights and street name signs, underground transmission lines, provide and install centralized mail delivery boxes as determined by the U.S. Postal Service, together with all appurtenances in accordance with specifications and standards in the Camas Design Standards Manual, the six-year street plan, and other state and local adopted standards and plans as may be applicable.

RESPONSE: The project will provide internal private streets with curbs and gutters, sidewalks, street lights and street signs. Entry signage may be provided at the project entry. Sanitary sewer service will be provided via a STEF system in utility easements. Stormwater will be collected on the project site and conveyed to storm pipes for detention and treatment. Water mains and fire hydrants will be provided, and homes will have fire sprinkler systems as required. Transmission lines for dry utilities will be installed. Grouped mailboxes will be provided. Locations for mailbox clusters will be coordinated with the U.S. Postal Service, with proposed locations illustrated on the Preliminary Utility Plan.

2. Other improvements installed at the option of the developer shall conform to city requirements.

RESPONSE: Any other public improvements will conform to city requirements.

3. Existing wells, septic tanks and septic drain fields shall be abandoned, in accordance with state and county guidelines regardless of lots or properties served by such utility unless otherwise approved by public works director.

RESPONSE: While an existing conditions survey revealed no wells or septic drain fields currently located on the project site, any existing wells, tanks or drain fields

uncovered during the course of site development will be abandoned in accordance with state and county guidelines.

B. Supervision and Inspection. The city engineering department shall be responsible for the supervision and inspection of all improvements required as a condition of a land use. All improvements shall be certified in writing as completed in accordance with plans and specifications.

RESPONSE: The developer will accommodate required City inspections and will provide certifications of completeness as required.

C. Permits. Prior to proceeding with any improvements, the applicant shall obtain those permits from the city as are necessary. The applicant is also responsible for complying with all applicable permit requirements of other federal, state and local agencies. (Ord. 2517 § 2, 2008; Ord. 2483 § 1 (Exh. A (part)), 2007; Ord. 2443 § 2 (Exh. A (part)), 2006)(Ord. No. 2582, § II, 2-1-2010; [Ord. No. 17-005](#), § I(Exh. A), 5-15-2017)

RESPONSE: The applicant will obtain all necessary permits and will comply with their requirements.

17.19.030 Tract, Block and Lot Standards

A. Environmental Considerations.

1. Critical Areas. Land that contains a critical area or its buffer as defined in Title 16 of this code, or is subject to the flood hazard regulations, shall be platted to show the standards and requirements of the critical areas.

RESPONSE: There is a creek and associated wetlands located on the project site (see Wetland Delineation report and Habitat report, Appendices H and J). There are geologically hazardous areas located on the subdivision site to be developed (see Geotechnical report, Appendix G).

2. Vegetation. In addition to meeting the requirements of CMC Chapter 18.31, Tree Regulations, every reasonable effort shall be made to preserve existing significant trees and vegetation, and integrate them into the land use design.

RESPONSE: The proposed development site lies in the location of existing open fields. Some trees that were planted in a line will need to be removed in order to implement the proposed design, however forested areas along the stream corridor will be preserved (See Tree Report, Appendix K, and Tree Plan).

3. Density transfers may be applicable if developer preserves critical areas. See Chapter 18.09 of this code.

RESPONSE: The applicant's proposed preservation of the stream area located adjacent to NW McIntosh Road qualifies the applicant to use density transfer provisions. This area will be protected by a conservation covenant to be recorded with the final plat.

B. Blocks. Blocks shall be wide enough to allow two tiers of lots, except where abutting a major street or prevented by topographical conditions or size of the property, in which case the city council may approve a single tier.

RESPONSE: Single tiers of lots are proposed along the northwest and east boundaries of the project due to the size of the development area, and location of forested stream corridor to be preserved. Two interior blocks of the project are double tier blocks.

C. Compatibility with Existing Land Use and Plans.

1. Buffer Between Uses. Where single-family residential lots are to be adjacent to multiple-family, commercial or industrial land use districts, and where natural separation does not exist, adequate landscape buffer strips and/or solid fences for purposes of buffering sound, restricting access, pedestrian safety and privacy shall be provided.

RESPONSE: No buffers are required since there are no multi-family, commercial or industrial lands adjacent to the project site.

2. Conformity with Existing Plans. The location of all streets shall conform to any adopted plans for streets in the city. The proposed land use shall respond to and complement city ordinances, resolutions and comprehensive plans.

RESPONSE: The adopted arterial plan and Capital Facilities Plan for the city do not show any streets within the project site. NW McIntosh Road is shown as a 2-lane arterial on the City of Camas Transportation Comprehensive Plan.

3. Other City Regulations. All land use shall comply with all adopted city regulations. In the event of a conflict, the more restrictive regulation shall apply.

RESPONSE: To the best of the applicant's knowledge, the proposed project complies with all adopted City regulations, except those aspects for which the Applicant is requesting an Exception or Deviation. Those requests are provided with this narrative document.

4. Accessory Structures. If land development would result in an accessory structure remaining alone on a lot, the structure must be demolished before final plat approval.

RESPONSE: No accessory structures will remain on the property.

D. Lots. The lot size, width, shape and orientation shall conform to zoning provisions and the following:

1. Each lot must have frontage and access onto a public street, except as may otherwise be provided (e.g. approved private roads, access tracts);

RESPONSE: Each lot has frontage onto a public or private internal street.

2. Side Lot Lines. The side lines of lots shall run at right angles to the street upon which the lots face, as far as practical, or on curved streets they shall be radial to the curve;

RESPONSE: Where practical, proposed lot lines are at right angles to street lines or are radial to the street's curve.

3. Building Envelopes. No lot shall be created without a building envelope of a size and configuration suitable for the type of development anticipated;

RESPONSE: Each lot has a building envelope suitable for the type of development anticipated.

a. For single-family residential zones, a suitable size and configuration generally includes a building envelope capable of siting a forty-foot by forty-foot square dwelling within the building envelope

RESPONSE: All single-family detached lots are large enough to accommodate a 40'x40' building envelope.

b. For multi-family zones, a suitable size and configuration generally includes a building envelope of twenty feet by forty feet.

RESPONSE: This code section does not apply, as the project is proposing single family residences in a single family zone.

c. Other factors in considering the suitability of the size and configuration of any residential lot include the presence of, or proximity to critical areas, adjoining uses or zones, egress and ingress, and necessary cuts and fills;

RESPONSE: Two lots in Phase 2 are adjacent to critical areas. There is one access with sufficient sight distance on McIntosh Road. Stub roads have been provided to the east and west. Necessary cuts and fills are shown on the attached grading plan.

4. Where property is zoned and planned for commercial or industrial use, in conformance to the intent of the comprehensive plan, other lot dimensions and areas may be permitted at the discretion of the approval authority.

RESPONSE: This code section does not apply because the project site is in a residential zone.

5. Flag lots, access tracts and private roads may be permitted only when the community development director or designee finds the applicant meets the criteria listed hereinafter...

RESPONSE: The applicant is proposing a private road to access project lots.

a. The pole of a flag lot must be a minimum of twenty feet wide with a minimum of twelve feet of pavement and shall serve no more than one lot,

RESPONSE: This code section is not applicable, as no flag lots are proposed.

b. The structure(s) accessed by a flag lot, access tract or private road will be required to furnish a minimum of two off-street parking spaces per residential unit. Under no circumstances will required parking be allowed along the flag pole lot,

RESPONSE: The lots accessible by private road will provide two parking spaces in the garage and two spaces in the driveway apron, outside of the private road.

c. An approved address sign, in accordance with the Camas Municipal Code must be posted for each residence where the flag lot leaves the public road or access tract; and

RESPONSE: This code section is not applicable, as no flag lots are proposed.

d. To protect the character of the immediate neighborhood, the city may impose special conditions, where feasible, including access configuration and separation, setbacks, fencing, and landscaping.

RESPONSE: The character of the immediate neighborhood will be protected through the use of landscaping and fencing. Side- and backyard fencing with landscaping will provide effective screening.

6. *Double Frontage Lots.* Residential lots which have street frontage along two opposite lot lines shall be avoided, except for double frontage lots adjacent to an arterial or collector, which must comply with the following design standards:

a. *Landscaping.* A ten-foot landscaped tract is provided along the real property line to visually buffer the rear yards from public view and prevent vehicular access. The ten-foot landscaped tract shall include a minimum two-inch caliper trees every thirty feet on center, three-foot tall shrubs that form a continuous screen, groundcover plants that fully cover the remainder of the landscaped area, and maintained in perpetuity by the homeowners association;

i. *If the front of the structure faces a collector or arterial street, the ten-foot landscape tract is not required; and*

ii. *The lot must provide pedestrian access to the arterial or collector, and include a rear-loaded garage;*

b. *Fencing and Walls.* A sight-obscuring fence or masonry wall shall be located at the line that separates the lot from the ten-foot landscape tract (see Figure 17.19-1). The design must include:

i. *The height of the fence or wall shall be a minimum four feet tall along a collector and six feet tall along an arterial;*

ii. *The fence or wall shall include columns or physical indentations in the fence or wall at least every fifty lineal feet to reduce the massing effect of the fencing material;*

c. *Architectural Design.* Side and rear building facades visible from an arterial or collector shall maintain the architectural design, horizontal and vertical articulation, level of detail, and materials and colors consistent with the front building facade. Avoid large blank walls on side and rear building facades;

d. *Setbacks.* Minimum of twenty-foot setback will be provided from the property line separating the lot from the tract that is adjacent to the arterial or collector;

RESPONSE: No double frontage lots are proposed.

7. *Corner Lots.* Corner lots may be required to be platted with additional width to allow for the additional side yard requirements;

RESPONSE: Additional corner lot widths are not anticipated to be necessary.

8. *Restricted Corner Lots.* Corner lots restricted from access on side yard flanking street shall be treated as interior lots and conform to front, side and rear yard interior setbacks of CMC 18.09; and

RESPONSE: There are no restricted lots in the project.

9. *Redivision.* In dividing tracts into large lots which at some future time are likely to be redivided, the location of lot lines and other details of the layout shall be such that redivision may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets. Restriction of building locations in relationship to future

street right-of-way shall be made a matter of record if the approval authority considers it necessary.

RESPONSE: No redivision is anticipated – all lots are proposed to be single-family lots.

E. Tracts and Trails.

1. If land division is located in the area of an officially designated trail, in accordance with the current version of the parks, recreation and open space comprehensive plan, provisions shall be made for reservation of the right-of-way or for easements to the city for trail purposes including the construction of the trail. Trail standards for each trail type shall be as specified in appendix B of the parks, recreation and open space comprehensive plan or as amended.

RESPONSE: The T-11 trail, as shown on the City of Camas PROS Plan, is planned to run along the project site's McIntosh Road frontage. The developer will dedicate a tract to the City and construct the trail. The trail and landscaping in Tract A will be maintained by the City.

2. Trails shall be shown as a separate layer in an electronic format submitted with "as-builts" prior to final acceptance.

RESPONSE: The project's portion of the T-11 trail will be shown as a separate layer on as-builts submitted to the City.

3. Trails, which are dedicated to the city and part of the regional trail system, shall be surveyed and dedicated by the developer prior to final acceptance.

RESPONSE: The applicant will survey and dedicate any required regional trails prior to final acceptance.

4. Tracts and trails that are not dedicated to the city and are located within the subdivision, short plat or planned development are the responsibility of the homeowners association to maintain. Provisions must be in writing, such as in CC&Rs, informing the homeowners of the responsibility and outlining the maintenance procedures in accordance with city standards.

RESPONSE: A tract that contains the trail will be given to the City, and the trail will be maintained by the City.

F. Landscaping.

1. Each dwelling unit within a new development shall be landscaped with at least one tree in the planting strip of the right-of-way, or similar location in the front yard of each dwelling unit, with the exception of flag lots and lots accessed by tracts. Required trees shall be a minimum two-inch diameter at breast height (dbh) to create a uniform streetscape (dbh is four and one-half feet above the ground as measured from upside of tree).

RESPONSE: Street trees will be provided to the size and number required (see attached Landscape Plan).

2. The city council finds that the existing mature landscaping of trees, and shrubs provide oxygen, filter the air, contribute to soil conservation and control erosion, as well as provide the residents with aesthetic and historic benefits. For these reasons, the city encourages the retention of existing trees that are not already protected as significant trees under the Camas Municipal Code. Generally, the city may allow the tree requirements under subsection (F)(1) of this section

to be reduced at the request of the developer, by a ratio of two new trees in favor of one existing tree, provided such trees have been identified on approved construction plans.

RESPONSE: Any existing non-significant trees to be saved in exchange for a reduction in street tree requirements will be identified on construction plans.

3. Prior to final acceptance of any land development, the land developer shall install trees adjacent to or within all common areas and landscape tracts as specified in the Camas Design Standards Manual.

RESPONSE: Street trees shown on the landscape plan will be installed or bonded for by the developer prior to final plat approval. Any existing non-significant trees to be saved in exchange for a reduction in street tree requirements will be identified on construction plans.

4. Landscaping shall conform to plant criteria in the Camas Design Standard Manual. Any planting of trees or shrubs within the right-of-way or vision clearance area must be shown on the construction drawings for approval.

RESPONSE: All proposed street trees and shrubs in the right-of-way or vision clearance areas are or will be shown on the landscape plans submitted for approval.

5. Storm drainage facilities, pump stations and other visible facilities shall be setback a minimum of thirty feet from any street or accessory structure and be landscaped in accordance with criteria in the Camas Design Standard Manual.

RESPONSE: No visible facilities will be implemented (refer to Utilities Plan for location of facilities).

G. Non-City Utility Easements. Easements for electric lines or other public utilities may be required. Easements for utilities shall be a minimum of six feet in width and centered on front or side lot lines.

RESPONSE: Public utility easements a minimum of six feet in width will be provided where necessary and shown on the plat.

H. Watercourse Easements. Where a development is traversed by a watercourse, drainageway, channel or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for the purpose. Streets parallel to major watercourses may be required.

RESPONSE: The stream is located in an open space area (Tract A) that will be dedicated to the City.

I. Street Signs. The developer shall be responsible for the initial cost of any street name or number signs, or street markings, including installation thereof, that public works finds necessary for the development.

RESPONSE: The developer will install any necessary street name or number signs.

J. Lighting. Street lighting shall conform to the Clark public utility standards and approved by the city. The developer shall bear the cost of the design and installation of the lighting system.

RESPONSE: The developer will install decorative acorn-style street lights to a City-approved plan.

K. All residential streets shall conform to the guidelines and standards of the city neighborhood traffic management plan. ((Ord. 2483 § 1 (Exh. A (part)), 2007; Ord. 2443 § 2 (Exh. A (part)), 2006) (Ord. No. 2612, § I(Exh. A), 2-7-2011; [Ord. No. 2691, § I\(Exh. A\), 1-21-2014](#); [Ord. No. 17-005](#), §§ I(Exh. A), II, IV, 5-15-2017)

RESPONSE: The proposed project will provide streets with landscaped entries to promote the guidelines of the city neighborhood traffic management plan. The plat's internal design establishes a neighborhood with built-in traffic calming features.

17.19.040 Infrastructure Standards

Note: For the purposes of this title, the terms "street" and "road" are synonymous in meaning.

A. Private Street: Private street(s) may be authorized when all of the following occur:

- 1. Allowing private streets in the area being developed will not adversely affect future circulation in neighboring lots of property or conflict with an existing adopted street plan;*
- 2. Adequate and reasonable provisions are made for the ownership, maintenance, and repair of all utilities and the proposed private streets;*
- 3. The proposed private streets can accommodate potential full (future) development on the lots or area being developed;*
- 4. Connect to no more than one public street, unless it is an alley;*
- 5. Conform to the Camas Design Standard Manual;*
- 6. Alleys shall be privately owned and maintained;*
- 7. Access requirements for recycle service, garbage service, and emergency vehicles are provided;*
- 8. Provisions for adequate parking enforcement are recorded within a private covenant to ensure emergency vehicle access. These provisions shall be noted on the final plat, e.g. Towing service.*

RESPONSE: The proposed private streets will not adversely affect future circulation, as there will be no further development to the west or south due to topography. The proposed HOA will be responsible for the ownership, maintenance and repair of all utilities and private streets. The proposed private streets can accommodate development on all lots being developed. The proposed private street connects to only one public street – NW McIntosh Road. Access requirements for garbage, recycling and emergency services are provided.

B. Streets.

- 1. Half Width Improvement. Half width improvements, when determined appropriate by the City Engineer, shall include utility easements, pedestrian pathway, storm water drainage, street lighting and signage, environmental permits, provisions for mitigation improvements and mitigation areas as necessary, bike lanes, and improvements to the centerline of the right-of-way as necessary to provide the minimum structural street section per the Camas Design Standard Manual.*

RESPONSE: The applicant is proposing to provide payment or trade in lieu of frontage improvements along NW McIntosh Road. Refer to Development Agreement (refer to Appendix N). The applicant proposes to construct a curb following the south edge of the pavement on NW McIntosh Road and to provide signing and striping.

2. Streets abutting the perimeter of a development shall be provided in accordance with CMC [17.19.040\(B\)\(1\)](#) above, and the Design Standard Manual. Additional paving may be required to ensure safe and efficient roads to exist to serve the land development and provide bike lanes

RESPONSE: NW McIntosh Road abuts the project site on the north. The applicant is proposing payment or trade in lieu of frontage improvements as discussed in section (B)(1) above.

3. The city engineer may approve a delay of frontage street improvements for development proposals under any of the following conditions:

- a. If the future grade or alignment of the adjacent public street is unknown and it is not feasible to establish the grade in a reasonable period;
- b. The immediate improvement of the street would result in a short, isolated segment of improved street;
- c. The frontage is part of an impending or eminent city street improvement project;
- d. Street improvements in the vicinity are unlikely to occur within six years.

RESPONSE: The applicant is proposing to provide payment or trade in lieu of frontage improvements along NW McIntosh Road. Refer to attached Development Agreement.

4. In the event the frontage improvement is delayed, the owner must provide an approved form or financial surety in lieu of said improvements.

RESPONSE: The applicant is proposing to provide payment or trade in lieu of frontage improvements along NW McIntosh Road.

5. Dedication of additional right-of-way may be required for a development when it is necessary to meet the minimum street width standards or when lack of such dedication would cause or contribute to an unsafe road or intersection.

RESPONSE: Additional right-of-way dedication is proposed as shown on the Preliminary Plat.

6. Extension. Proposed street systems shall extend existing streets at the same or greater width unless otherwise approved by the public works department and authorized by city council in approval of the plat.

- a. Streets and pedestrian/bicycle paths shall be extended to the boundaries of the plat to ensure access to neighboring properties, unless the presence of critical areas or existing development render such extension infeasible. The design shall contribute to an integrated system of vehicular and pedestrian circulation.
- b. Grading of steep topography may be necessary to achieve this objective.

RESPONSE: The applicant is proposing a street extension to the east at the entry cul-de-sac. No extensions are required to the west or south due to steep slopes.

7. Names. All street names, street numbers, and building numbers shall be assigned in accordance with CMC [12.24](#).

RESPONSE: Street names and numbers will be assigned as required.

8. Right-of-way, tract and pavement widths for streets shall be based on Table 17.19.040-1 and Table 17.19.040-2.

RESPONSE: NW McIntosh Road is a 2-lane arterial located along the north edge of the project site. The applicant will dedicate an additional 5' of right-of-way along

the project frontage on McIntosh Road. The applicant will provide a pedestrian trail connector on the south side of McIntosh.

The interior private streets will have a pavement width of 28' in a 52' right-of-way, and sidewalks separated by planters on both sides.

9. Intersections. Any intersection of streets that connect to a public street, whatever the classification, shall be at right angles as nearly as possible, shall not exceed fifteen degrees, and not be offset insofar as practical. All right-of-way lines at intersections with arterial streets shall have a corner radius of not less than twelve feet.

RESPONSE: The intersection of the project's internal street with NW McIntosh Road already exists at a right angle and the right-of-way radii at the arterial intersection are 35'. The project does not contain any offset intersections.

10. Street Layout. Street layout shall provide for the most advantageous development of the land development, adjoining area, and the entire neighborhood. Evaluation of street layout shall take into consideration potential circulation solutions for vehicle, bicycle and pedestrian traffic, and, where feasible, street segments shall be interconnected.

RESPONSE: The street layout is designed to allow efficient access within the site and to adjacent properties. The proposed street system's sidewalks will provide a continuous pedestrian system through the site.

a. Circulation Plan. Applicants shall submit a circulation plan at application which includes the subject site and properties within six hundred feet of the proposed development site. The plan shall incorporate the following features both on-site and off-site:

- i. The circulation plan shall be to an engineering scale at one inch = one hundred feet or the scale may be increased or decreased at a scale approved by the director;*
- ii. Existing and proposed topography for slopes of ten percent or greater, with contour intervals not more than ten feet;*
- iii. Environmental sensitive lands (geologic hazards, wetlands, floodplain, shoreline, etc.);*
- iv. Existing and proposed streets, bicycle/pedestrian pathways, trails, transit routes; and*
- v. Site access points for vehicles, pedestrians, bicycles, and transit.*

RESPONSE: The applicant has provided a circulation plan.

b. Cross-circulation shall be provided that meets the following:

- i. Block lengths shall not exceed the maximum access spacing for the roadway class per the city's design standards manual.*
- ii. Cul-de-sacs and permanent dead-end streets over three hundred feet in length may be denied unless topographic or other physical constraints prohibit achieving this standard. When cul-de-sacs or dead-end streets are permitted, a direct pedestrian or bicycle connection shall be provided to the nearest available street or pedestrian oriented use.*

iii. *The city engineer may recommend approval of a deviation to the design standards of this section based on findings that the deviation is the minimum necessary to address the constraint and the application of the standard if impracticable due to topography, environmental sensitive lands, or existing adjacent development patterns.*

RESPONSE: The applicant is requesting a Deviation for Cross Circulation Standards due to the presence of topographic and other physical constraints– see attached.

c. *While it is important to minimize the impact to the topography from creating an integrated road system, improved site development and circulation solutions shall not be sacrificed to minimize the amount of cut and fill requirements of the proposal.*

RESPONSE: Site development and circulation solutions have not been sacrificed due to cut and fill requirements.

d. *Where critical areas are impacted, the standards and procedures for rights-of-way in the critical areas overlay zone shall be followed.*

RESPONSE: No street impacts are proposed in critical areas.

e. *When the proposed development's average lot size is seven thousand four hundred square feet or less, one additional off-street parking space shall be required for every five units, notwithstanding the requirements of CMC [Chapter 18.11](#). These spaces are intended to be located within a common tract.*

RESPONSE: No additional off-street parking spaces are required.

f. *When, on the basis of topography, projected traffic usage or other relevant facts, it is unfeasible to comply with the foregoing right-of-way, tract and street width standards, the approval authority, upon recommendation from the city engineer, may permit a deviation from the standards of Table 17.19.040-1 and Table 17.19.040-2.*

RESPONSE: The applicant is requesting to pay a fee or provide a trade of equivalent value in lieu of making frontage improvements – see attached Development Agreement.

It appears that McIntosh Road is designated as a 2-lane arterial which requires 60' of right-of-way, a 36' pavement width and a 5' detached sidewalk with planter strips on both sides. The Applicant requests a minimum 60' right-of-way, 28' of pavement, a curb on both sides, a detached meandering trail on the south side, and existing 5' sidewalk on the north side.

Currently, McIntosh Road is approximately 28' wide, and the right-of-way varies from 40' to 60' along the frontage of the site. There is a Type F stream (fish-bearing, non-anadromous) rating on the north boundary of the subject property. The south edge of the road has a narrow shoulder with a steep embankment which slopes down to the stream. The stream buffer encompasses the entire area between the edge of the road and stream. The distance from the road to the stream channel ranges from approximately 10' to 50'.

In order to avoid substantial impacts to the stream or buffer, the applicant proposes to dedicate right-of-way to create a 37' half-street of right-of-way, and to pay a fee or provide a trade of equivalent value in lieu of development. The applicant also proposes to provide a pedestrian trail on the south side of McIntosh Road.

Standard improvements would require widening the existing road by up to 8' on the south side. The code also requires varying widths of right-of-way to be dedicated, depending on the existing right-of-way width at any given location. Table 17.19.1 requires a maximum total half width right-of-way of 30' for this roadway classification. The proposed dedication of right-of-way, trail installation, and payment/trade in lieu of construction avoids stream impacts, provides for safe pedestrian and vehicular passage and is more than adequate mitigation for the minimal traffic impacts that result from the project.

2. Left Turn Pocket

Including a turn lane would result in a 3-lane section of roadway or 46' of pavement according to the Table. With the deviation request above, the addition of a left turn lane into the site would require an additional 12' of pavement. Because of the stream on the north (to the east of the intersection of NW Sacajawea & NW McIntosh) and on the south (to the west of the the intersection), if a turn lane was added, the road would need to be widened even further to the south and north, resulting in stream impacts to the north and south. Additional widening would be required to both the east and west to allow for tapered transitions. A standard taper ratio for this type of improvement is 35 to 1 because the road is posted at 35 m.p.h.

The traffic analysis included with this application indicates that traffic volumes are too low at the site access to meet WSDOT guidelines for a westbound turn lane. The analysis indicates that there will be only one left turn movement into the site during the PM peak hour and one during the AM peak hour.

The topographic conditions created by the stream along the north and south sides of McIntosh Road, minimal traffic volumes, and payment of fee in lieu of development are all relevant factors that would support the requested deviation. Additionally, extensive offsite improvements together with an unusually large onsite right-of-way dedication would be needed from adjoining property owners. It is also clear from the information in the traffic study that a turn lane is not warranted at the site access based on transportation industry standards.

Based upon the above information and the deviation criteria, the Applicant requests that deviations from the road standards be granted.

g. The city engineer or designee may determine a wider width is necessary due to site circumstances, including but not limited to topography, traffic volume, street patterns, on-street parking, lot patterns, land use and bike and transit facilities that justify an increase in width.

RESPONSE: No circumstances have been identified at this site that would require wider streets.

h. When existing streets adjacent to or within land to be developed are of inadequate width, additional right-of-way shall be provided at the time of land development.

RESPONSE: The applicant will dedicate additional right-of-way along the McIntosh Road frontage to provide adequate right-of-way along the project frontage.

11. Access Management.

a. Access to all marginal access streets shall be restricted so as to minimize congestion and interference with the traffic carrying capacity of such street, and to provide separation of through and local traffic in accordance with CMC 17.19.030.D.6. The restrictions imposed shall be in accordance with the Camas Design Standards Manual.

RESPONSE: NW McIntosh Road is classified as a marginal access street. The applicant is proposing to use an existing access point (a public road intersection) on NW McIntosh Road for the proposed development.

b. The city engineer may grant exceptions to the access restriction policies and standards when no other feasible access alternative exists.

RESPONSE: The applicant is not requesting any exceptions to allow individual lot access from NW McIntosh Road.

12. Street Design. When interior to a development, publicly owned streets shall be designed and installed to full width improvement as a means of insuring the public health, safety, and general welfare in accordance with the city comprehensive plans. Full width improvements shall include utility easements, sidewalks, bike lanes as necessary, and control of stormwater runoff, street lighting, and signage, as provided below

a. Shall be graded as necessary to conform to Camas Design Standard Manual.

RESPONSE: The proposed street grades conform to the Camas Design Standard Manual (see attached Grading plan).

b. Grades shall not exceed six percent on major and secondary arterials, ten percent on collector streets, or twelve percent on any other street. However, provided there are no vehicular access points, grades may be allowed up to fifteen percent when:

- i. Exceeding the grades would facilitate a through street and connection with a larger neighborhood;*
- ii. The greater grade would minimize disturbance of critical slopes;*
- iii. Automatic fire sprinklers are installed in all structures where the fire department response to the structure requires travel on the grade;*
- iv. Tangents, horizontal curves, vertical curves, and right-of-way improvements*

conform to public works department standards;

v. Full width improvement is required as a condition of the land use approval in accordance with city standards; and

RESPONSE: No grades in excess of twelve percent are proposed (see attached Grading plan).

vi. In flat areas allowance shall be made for finished street grades having a minimum slope of one-half percent.

RESPONSE: This minimum slope will be achieved in flat areas.

c. Centerline radii of curves shall be not less than three hundred feet on primary arterials, two hundred feet on secondary arterials, or seventy feet on other streets.

RESPONSE: The applicant is proposing 75' minimum centerline radii on interior streets.

d. Shall be of asphaltic concrete according to Camas Design Standard Manual.

RESPONSE: Proposed roads will be constructed of asphaltic concrete.

e. Shall have concrete curbs and gutters. Curb return radii shall be no less than thirty-five feet on arterial and collector streets and no less than twenty-five feet on all other streets. Larger radii may be required at the direction of the city engineer.

RESPONSE: The proposed streets will have concrete curbs and gutters. Internal curb radii are a minimum of twenty-five feet, and arterial intersection radii are thirty-five feet.

f. Shall have storm drains in accordance with the Camas Design Standard Manual.

RESPONSE: Streets will have sufficient storm drainage piping and catch basins.

13. Sidewalks shall be constructed as specified in Camas Design Standard Manual. See Table 17.19.040-1 and Table 17.19.040-2 for dimensions.

RESPONSE: Sidewalks that are a minimum of five feet in width, meeting City design specifications, will be provided.

a. Prior to final acceptance of any land development, the developer shall install sidewalks, when required under Table 17.19.040-1 and Table 17.19.040-2, adjacent to or within all public or common areas or tracts, and at all curb returns. Sidewalks along individual lots may be deferred at the discretion of the city engineer until occupancy of the primary structure. Further, any trail or trails, including but not limited to the T-5 and T-1 trails, identified in the most recent Camas Parks and Open Space Plan shall be constructed prior to final acceptance;

RESPONSE: All required sidewalks will be constructed prior to final acceptance.

b. All sidewalk areas shall be brought to subgrade by the developer at the time of improving streets.

RESPONSE: This requirement will be met at the time of improving streets.

14. Cul-de-sacs. A cul-de-sac greater than four hundred feet from the centerline-to-centerline intersections shall require special considerations to assure that garbage, recycle, and emergency

vehicles have adequate access. Buildings on all lots located more than four hundred feet from the centerline-to-centerline intersections shall have automatic fire sprinklers.

RESPONSE: The applicant is proposing a cul-de-sac that exceeds four hundred feet from centerline to centerline, and will implement any required special considerations to assure that garbage, recycle and emergency vehicles have adequate access. All homes in the project will have automatic fire sprinklers.

15. Turn-arounds. Adequate provisions for turn arounds shall be provided and shall be designed and installed in a manner acceptable to the city engineer, or in accordance with the Camas Design Standard Manual, if applicable.

RESPONSE: The Phase 2 road design acts as a turnaround.

C. Utilities.

1. Generally. All utilities designed to serve the development shall be placed underground and, if located within a critical area, shall be designed to meet the standards of the critical areas ordinance.

a. Those utilities to be located beneath paved surfaces shall be installed, including all service connections, as approved by the public works department; such installation shall be completed and approved prior to application of any surface materials.

b. Easements may be required for the maintenance and operation of utilities as specified by the public works department.

RESPONSE: All utilities will be installed, and easements provided, to meet City utility standards. Refer to attached Preliminary Plat and Utility Plans.

2. Sanitary sewers shall be provided to each lot at no cost to the city and designed in accordance with city standards.

a. Detached units shall have their own sewer service and STEP or STEF or conventional gravity system as required.

b. Duplex units may have up to two sewer services at the discretion of the engineering and public works departments.

c. Multifamily units shall have one sewer lateral per building.

d. Commercial or industrial units shall have privately owned and maintained sewer systems acceptable to the city.

e. Capacity, grade and materials shall be as required by the city engineer. Design shall take into account the capacity and grade to allow for desirable extension beyond the development. The city will not require the developer to pay the extra cost of required oversize sewer mains or excessive depth of mains necessary to provide for extension beyond the development.

f. If sewer facilities mandated by this section will, without additional sewer construction, directly serve property outside the development, equitable distribution of the costs thereof shall be made as follows:

i. If the property outside the development is in a stage of development wherein the installation of sewer facilities may occur, then the city may require construction as an assessment project, with appropriate arrangements to be established with the developer to insure financing their proportional share of the construction.

ii. In the event the sewer facility installation is not constructed as an assessment project, then the city shall reimburse the developer an amount estimated to be equal to the proportionate share of the cost for each connection made to the sewer facilities by property owners outside of the development, limited to a

period of fifteen years from the time of installation. At the time of the approval of the plat, the city shall establish the actual amount of reimbursement, considering current construction costs.

g. Developments that require a sanitary sewer pumping station that will be conveyed to the city for future operation and maintenance shall be shown on a separate tract, and be dedicated to the city at the time the plat is recorded.

RESPONSE: STEF units will be provided to meet City standards. See attached Utility Plan. There is an available 8" diameter STEF line in NW McIntosh that flows to the Brady Road sanitary pump station. A sewer basin analysis for the Brady Rd Sanitary Pump Station can be provided at the time of final engineering, as needed, to confirm there is adequate capacity for this proposed development.

3. Storm Drainage. The storm drainage collection system shall meet the requirements of the city's officially adopted storm water standards.

a. Storm drainage facilities shall be placed on their own tract or within an open space tract and are to be maintained by the homeowners within the development in accordance with city standards. Alternatively, the city may allow, on a case by case basis, a development to connect to an off-site storm drainage facility provided such facility will be adequately sized and appropriate agreements are in place for maintenance of said facility. Provisions must be in writing informing the homeowners of the responsibility and outlining the maintenance procedures in accordance with adopted city standards.

b. Drainage facilities shall be provided within the development. When available and required by the public works department, drainage facilities shall connect to storm sewers outside of the development.

c. Capacity, grade and materials shall be as provided by the city engineer. Design of drainage within the development shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the development and to allow extension of the system to serve such areas.

d. All stormwater generated by projects shall be treated, detained, and disposed of in accordance with the applicable standards set forth in CMC [14.02](#). Any deviations from the aforementioned standards shall be submitted in writing to the director of public works for his review and approval.

e. All lots shall provide drainage for stormwater runoff from roof and footing drains to an approved drainage system. Rear yard low point area drains and/or storm drain lateral stubs connected to an approved drainage system shall be provided to each lot as necessary to prevent stormwater runoff impacts to adjoining parcels as determined by the city.

RESPONSE: Underground storm treatment and detention will be provided as shown on attached Utility Plan and Stormwater Report. Stormwater quality treatment will be provided by an underground cartridge filter system, and stormwater quantity control will be provided by underground detention pipes. Stormwater will be discharged from the detention facility through an underground flow-control structure to the existing stream north of the site and, ultimately, to an unnamed tributary of the Columbia River in accordance with the City of Camas Municipal Code. Refer to the plans and stormwater report (Appendix L) submitted with this application for additional information.

4. Water System.

a. Each lot within a proposed development shall be served by a water distribution system designed and installed in accordance with city design standards. Locations of fire hydrants and flow rates shall be in accordance with city standards and the International Fire Code. The distance between fire hydrants, as indicated in the fire code, is allowed to be doubled when automatic fire sprinklers are installed throughout the development.

b. Each unit of a duplex shall have its own water service.

c. Multifamily units shall have one service for each building.

d. Landscaping in open space tracts must have a service for an irrigation meter. The owner of the tract is responsible for payment for all fees associated with the installation of the meter and the water usage. (Ord. 2491 § 1 (Exh. A), 2007; Ord. 2483 § 1 (Exh. A (part)), 2007; Ord. 2450 § 1, 2006; Ord. 2443 § 2 (Exh. A (part)), 2006) (Ord. No. 2545, § II, 5-4-2009; Ord. No. 2582, § III, 2-1-2010; Ord. No. 2612, § I(Exh. A), 2-7-2011; [Ord. No. 2691, § I\(Exh. A\), 1-21-2014](#); [Ord. No. 17-005](#), §§ I(Exh. A), II, 5-15-2017)

RESPONSE: A water system will be provided to meet City standards. See attached Utility Plan. The project water line will be connected to an 8" diameter ductile iron pipe in NW McIntosh. There is an 8" stub out from the Hidden Leaf development towards the proposed development entrance. The applicant will incorporate a loop design within the development to help minimize water interruptions during repair/maintenance activities to the water mainline.

PROCEDURES FOR PUBLIC IMPROVEMENTS- (CMC 17.21)

17.21.010 Plans and permits required for public improvements

A. Approval of a land division, binding site improvement plan, boundary line adjustment, or site plan shall constitute approval for the applicant to develop construction plans and specifications, for all facilities and improvements, in substantial conformance to the preliminary approval, design standards, and any special conditions required by the city; to obtain permits and complete installation for such improvements; and to prepare a final plat, plans, surveys and other documents for recording, or final acceptance as applicable.

B. Prior to installing improvements, the developer shall apply for all required permits for those improvements. The applications shall include development plans as specified on the application form. (Ord. 2483 § 1 (Exh. A (part)), 2007)

RESPONSE: The project developer will apply for all required permits upon approval of this application.

17.21.020 Process for installing public improvements

Improvements installed by the developer, either as a requirement or of the developer's own option, shall conform to the requirements of this title and improvement standards, specifications, inspections and procedures as set forth by the Camas Design Standard Manual and shall be installed in accordance with the following procedures:

A. Work shall not be commenced until fees are paid and plans have been checked for adequacy and approved by public works to the extent necessary for the evaluation of the development proposal. The

plans may be required before approval of the final plat, if improvements are to be deferred. Plans shall be prepared in accordance with the requirements of the city.

RESPONSE: The project developer will prepare and submit plans for approval prior to commencing work.

B. Work shall not commence until public works has been notified in advance and if work has been discontinued for any reason, it shall not be resumed until public works has been notified.

RESPONSE: The project developer will notify public works prior to commencement of work and after discontinuation of work, excepting normal breaks in the work week or for holidays.

C. Public improvements shall be constructed under the inspection and to the satisfaction of the director of public works. The city may require changes in typical sections and details if unusual conditions arise during construction to warrant the change.

RESPONSE: The required public improvements will be constructed under the inspection of the director of public works.

D. All underground utilities, sanitary sewers, water, and storm drainage systems improvements installed in the streets by the developer shall be constructed prior to the surfacing of streets. Stubs for service connections and underground utilities, sanitary sewers, and water system improvements shall be placed to a length obviating the necessity for disturbing the street improvements when surface connections are made.

RESPONSE: The project developer will install utilities according to these requirements.

E. All regional, neighborhood and local trails shall be shown on a trail plan as constructed.

RESPONSE: The trail will be shown on a trail plan as constructed.

F. Plans showing all improvements as built shall be filed with the city upon completion of the improvements. (Ord. 2483 § 1 (Exh. A (part)), 2007)

RESPONSE: The project developer will provide as-built drawings upon completion of the improvements.

17.21.030 Land disturbing activities – Erosion prevention/sediment control

Any person, company, corporation, group, entity or jurisdiction proposing to commence any land-disturbing activity, shall be required to meet the following standards:

A. Install all erosion prevention/sediment control measures required by the approved erosion prevention/sediment control plan prior to commencement of work.

RESPONSE: The project developer will install required erosion prevention/sediment controls prior to commencement of work.

B. Furnish to the city an approved form of security in the amount of two hundred percent of the estimated cost of the erosion prevention/sediment control measures, including associated labor, set forth in the approved erosion prevention/sediment control plan for all land-disturbing activities of an acre or more.

RESPONSE: The project developer will provide the required security.

C. Construct any storm drainage facilities required to detain and dispose of stormwater generated by the project, prior to commencement of work on other portions of the project. The city may require the

construction of a temporary storm drainage facility that would bypass and protect the permanent facility until such time as the rest of the project is complete and ready for the permanent facility to be brought online.

RESPONSE: The project developer will comply with any requirements for temporary storm drainage facilities. Any necessary temporary storm drainage facilities will be designed along with the project's final civil engineering plans.

D. Implementation of erosion prevention/sediment control measures in addition to those measures approved on the erosion prevention/sediment control plan may be required to address weather-related problems and to assure compliance with local, state and federal requirements for water quality. Any proposed additional erosion prevention/sediment control measures must be approved by the city prior to use. The city shall have the right to issue a stop work order on all construction not related to erosion prevention/sediment control until such time as acceptable prevention and control measures are implemented. (Ord. 2483 § 1 (Exh. A (part)), 2007)

RESPONSE: The project developer will comply with any weather-related or compliance requirements for additional erosion prevention/sediment control measures.

17.21.040 Improvement agreements

A. Required Improvements. Prior to final plat approval, the developer shall install required improvements and replace or repair any such improvements, which are damaged during the development. In lieu of installation of all required improvements, the developer may execute and file with the city for review and approval by the public works director an agreement guaranteeing completion of such improvements together with any needed replacement or repair. The agreement shall:

- 1. Specify the period of time within which all work required would be completed. The time for completion shall not exceed two years from the date of final approval of the plat. The agreement may provide for reasonable extensions of time for completion of work. Extensions must be requested, approved by the city council, and properly secured in advance of the required initial completion date;*
- 2. Require notice by the developer to the public works director promptly upon completion of all required improvements;*
- 3. Provide for notice of approval or disapproval by the public works director of the improvement within a reasonable time after receiving notice of completion;*
- 4. Require financial security to be provided by the subdivider pursuant to CMC Section 17.21.050;*
- 5. Provide that if the developer fails to complete all required work within the period specified, the city may take steps to demand performance of the developer's obligation within a reasonable time not to exceed ninety days from the date of demand;*
- 6. Provide that if the required improvements are not completed within that time, the city may take action to require the subdivider to forfeit the financial security;*
- 7. Provide that the city shall be entitled to recover all costs of such action including reasonable attorney's fees;*
- 8. Provide that following recovery of the proceeds of the financial security, those proceeds shall be used to complete the required improvements and pay the costs incurred; and*
- 9. Provide that should the proceeds of the financial security be insufficient for completion of the work and payment of the costs, the city shall be entitled to recover the deficiency from the developer.*

RESPONSE: The project developer will install required improvements prior to final plat approval, or they may provide a financial surety for any work not yet complete at the time of final plat approval.

B. Maintenance Agreement. Regardless of whether all required improvements are completed prior to final approval, as a condition of such approval the developer shall execute an agreement to assure successful operation of all improvements. The agreement shall:

- 1. Require the developer to post a financial security in an amount equal to at least eighteen percent (18%) of the total cost of all required improvements to secure successful operation of all required improvements and full performance of the developer's maintenance obligation. Such financial security shall be effective for a two-year period following final acceptance of installation of all required improvements;*
- 2. Require the developer to perform maintenance functions on drainage improvements for a period of time not to exceed two years from approval of their completion or final acceptance, whichever is later. It shall be the developer's responsibility to assure there is a functioning storm drainage system at the end of the two-year warranty period; and*
- 3. Not relieve the developer of liability for the defective condition of any required improvements discovered following the effective term of the security given;*
- 4. Provide a waiver by the developer of all claims for damages against any governmental authority that may occur to the adjacent land as a result of construction, drainage and maintenance of the streets and other improvements. (Ord. 2483 § 1 (Exh. A (part)), 2007) ([Ord. No. 17-005](#), § I(Exh. A), 5-15-2017)*

RESPONSE: The project developer will provide the necessary agreements and financial surety prior to the project's final acceptance.

17.21.050 Bonds and other financial agreements

A. Financial Security Requirements. To assure full performance of the agreements required herein, the developer shall provide one or more of the following in a form approved by the city attorney within a time fixed by the city engineer, which shall include a reasonable amount of time to complete said improvements, but shall not exceed two years. Below are options in order of preference:

- 1. A cash deposit made with the city of Camas;*
- 2. An assignment of account with a financial institution, which holds the money in an account until such time the city signs a written release. The assignment of account will allow the city to withdraw the funds in the event the provisions of the agreement are not met;*
- 3. A letter of credit as acceptable to the City finance director; and*
- 4. A surety bond executed by a surety company authorized to transact business in the state of Washington. Surety bonds may be performance, maintenance/warranty bonds, erosion control/wetland, or subdivision improvement bonds.*

B. Amount of Financial Security.

- 1. For site plan or subdivision improvement bonds, the financial security provided shall be at least one hundred twenty-five percent of the estimated cost of the improvements to be completed, all related engineering and incidental expenses, final survey monumentation and preparation of reproducible mylar or electronic records in a format approved by public works and meeting current public works drawing standards of the "as-built" improvements. The subdivider shall provide an estimate of these costs for acceptance by the public works director.*

2. For two-year warranty or maintenance bonds, the financial security provided shall be at least eighteen percent of the cost estimate provided in subsection (B)(1) of this section.

3. Erosion prevention and wetland bonds shall equal two hundred percent of the erosion prevention and sediment control items or wetland management items from the estimate provided in subsection (B)(1) of this section.

RESPONSE: The project developer will provide bonds or other form of financial surety as required in order to ensure full performance of agreements.

*C. Defective Work. The acceptance of improvements by the city shall not prevent the city from making a claim against the developer for any defective work if such is discovered within two years after the date of completion of the work. (Ord. 2483 § 1 (Exh. A (part)), 2007) ([Ord. No. 17-005](#), §§ I(Exh. A), IV, 5-15-2017) **Editor's note—** [Ord. No. 17-005](#), § IV, adopted May 15, 2017, amended the catchline of § 17.21.050 from "Bonds and other financial agreements" to read as herein set out.*

VII. ZONING (CMC CHAPTER 18)

DENSITY AND DIMENSIONS- (CMC 18.09)

18.09.040 Table 2 - Density and Dimensions – Single-family Residential Zones

RESPONSE: The property is zoned R-15. This zone allows a maximum density of 2.9 units per gross acre. The site is 21.7 acres, and at 2.9 units per gross acre, the maximum density for this site is 63 units. The applicant is proposing to create a maximum of 43 single-family lots. The applicant is proposing to use density transfer standards and is requesting setback adjustments due to the provision of open space areas and an on-site portion of the T-11 trail.

Table 2: Lot Development Standards for the Dawson's Ridge Density Transfer Subdivision

DENSITY TRANSFER LOTS ¹		
	City R-15 DT Lots	Dawson's Ridge DT Sub.
Max. Density	2.9 D.U. / Gross Acre	2.9 D.U. / Gross Acre
Avg. Lot Size ⁵	-	11,350 S.F.
Min. Lot Size	10,500 S.F.	10,500 S.F.
Max. Lot Size ⁴	18,000 S.F.	18,000 S.F.
Min. Lot Width ¹	80'	80'
Min. Lot Depth ¹	100'	100'
Max. Lot Coverage	35%	35%
Max. Bldg Height ³	35'	35'

1. For additional density provisions, see CMC Sections 18.09.060 through 18.09.180.

2. Setbacks may be reduced to be consistent with average lot sizes of the development in which it is located. Notwithstanding the setbacks requirements of this chapter, setbacks and/or building envelopes clearly established on an approved plat or development shall be applicable.

3. Maximum building height: three stories and a basement, not to exceed height listed.
4. For parcels with an existing dwelling, a one time exception may be allowed to partition from the parent parcel a lot that exceeds the maximum lot size permitted in the underlying zone. Any further partitioning of the parent parcel or the oversized lot must comply with the lot size requirements of the underlying zone.
5. Average lot area is based on the square footage of all lots within the development or plat. The average lot size may vary from the stated standard by no more than five hundred square feet.
6. The maximum building lot coverage for single-story homes may be up to forty-five percent in R-6 and R-7.5 zones, and forty percent in R-10 and R-12 zones. To qualify for increased lot coverage, a single-story home cannot include a basement or additional levels. (Ord. 2515 § 1 (Exh. A (part)), 2008: Ord. 2443 § 3 (Exh. A (part)), 2006) (Ord. No. 2612, § 1(Exh. A), 2-7-2011; [Ord. No. 15-010](#), § 1, 8-17-2015)

DENSITY TRANSFER SETBACKS: based on average lot size between 10,000 and 11,999 SF						
	Min. Front Yard	Min. Side Yard, Interior	Min. Side Yard, Streetside	Min. Rear Yard, Corner	Min. Rear Yard, Interior	Min. Lot Frontage on a cul-de-sac or curve
<i>City Standards</i>	20'	5'	20'	5'	25'	30'

18.09.060 Density Transfers

- A. Purpose. To achieve the density goals of the comprehensive plan with respect to the urban area, while preserving environmentally sensitive lands and the livability of the single-family residential neighborhoods, while also maintaining compatibility with existing residences.
- B. Scope. This section shall apply to new development in all residential (R) zoning districts.
- C. Where a land division proposes to set aside a tract for the protection of a critical area, natural open space network or network connector (identified in the city of Camas parks plan), or approved as a recreational area, lots proposed within the development may utilize the density transfer standards under CMC Section 18.09.040 Table-2.

RESPONSE: The applicant's proposed preservation of critical areas qualifies the applicant to use density transfer provisions according to this code standard and CMC 17.19.030(A)(3).

- D. Where a tract under "C" above, includes one-half acre or more of contiguous acreage, the city may provide additional or negotiated flexibility in lot sizes, lot width, depth or setback standards. In no case shall the maximum gross density of the overall site be exceeded. (Ord. 2515 § 1 (Exh. A (part)), 2008: Ord. 2443 § 3 (Exh. A (part)), 2006)

RESPONSE: The applicant is providing a critical areas tract that exceeds four acres. The applicant is also providing an T-11 trail connection along the south side of McIntosh Rd, as identified in the PROS plan.

The proposed neighborhood does not exceed the maximum gross density for the site. The requested density transfer will allow for smaller average and minimum lot sizes.

18.09.080 Lot Sizes

- A. In planned residential developments with sensitive lands and the required recreational open space set aside, a twenty percent density bonus on a unit count basis is permitted. Density may

be transferred for sensitive areas but the total lot count shall never exceed the number of lots established in the density standards established in CMC [Section 18.23.040](#) "Density Standards."

RESPONSE: This code section is not applicable to a Density Transfer Subdivision.

B. When creating new lots via short plats or subdivisions that are adjacent to a different residential zone designation, the new lots along that common boundary shall be the maximum lot size allowed for the zone designation of the new development (if a lower density adjacent zone), or the minimum lot size allowed for the zone designation of the new development (if a greater density adjacent zone), as based on CMC 18.09.040 Table 2, Section A. In applying this section, where a land division is required to increase the size of lots, the land division may utilize the density transfer provisions provided for in CMC [Section 18.09.060](#). (Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006) (Ord. No. 2612, § I(Exh. A), 2-7-2011)

RESPONSE: This code section is not applicable, as the project site is adjacent to sites that are also zoned R-15.

18.09.090 Reduction Prohibited

No lot area, yard, open space, off-street parking area, or loading area existing after the effective date of the ordinance codified in this chapter shall be reduced below the minimum standards required by the ordinance codified in this chapter nor used as another use, except as provided in Chapter 18.41 "Nonconforming Lots, Structures, Uses." (Ord. 2515 § 1 (Exh. A (part)), Ord. 2443 § 3 (Exh. A (part)), 2006)

RESPONSE: The applicant is proposing lot area reductions permitted under Section 18.09.060(D) above.

PARKING- (CMC 18.11)

18.11.100 Residential Parking

Residential off-street parking space shall consist of a parking strip, driveway, garage, or a combination thereof and shall be located on the lot they are intended to serve. (Ord. 2515 § 1 (Exh. A (part)), 2008, Ord. 2443 § 3 (Exh. A (part)), 2006)

RESPONSE: At least two off-street parking spaces will be provided for each of the proposed houses.

18.11.130 Standards

The minimum number of off-street parking spaces for the listed uses shall be shown in Table 18.11-1, Off-Street Parking Standards. The city shall have the authority to request a parking study when deemed necessary. (Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)(Ord. No. 2612, § I(Exh. A), 2-7-2011; [Ord. No. 2691, § I\(Exh. A\), 1-21-2014](#))

RESPONSE: According to Table 18.11-1, two off-street parking spaces are required for each dwelling unit. The project developer will provide at least two off-street parking spaces for each dwelling unit.

SIGNS- (CMC 18.15)

18.15.050 Signs Controlled by Zoning District

RESPONSE: Any project entrance signs will be the subject of a separate sign permit application.

SUPPLEMENTAL DEVELOPMENT STANDARDS- (CMC 18.17)

18.17.030 Vision Clearance Area

Vision clearance area shall be maintained in all zoning districts except in the DC, CC, RC, HI, and MX zoning districts. Within these zoning districts, vision clearance areas shall be maintained on the corners of all property adjacent to the intersection of two streets, a street and a railroad, or a private street entering a public street. Driveways and alleys are excluded from the provisions of this section.

RESPONSE: Vision clearance areas will be maintained in this project as required.

A. On all corner lots no vehicle, fence, wall, hedge, or other obstructive structure or planting shall impede visibility between a height of forty-two inches and ten feet above the sidewalk or fourteen feet above the street.

RESPONSE: No obstructions between the heights of 42” and 10’ are proposed in vision clearance triangles.

B. The triangular area shall be formed by measuring fifteen feet along both street property lines beginning at their point of intersection. The third side of the triangle shall be a line connecting the end points of the first two sides of the triangle. See Figures 18.17.030-1 and 18.17.030-2. (Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006) (Ord. No. 2545, § III, 5-4-2009; Ord. No. 2547, § VIII, 5-18-2009; Ord. No. 2612, § I(Exh. A), 2-7-2011)

RESPONSE: Vision clearance areas have been provided at each intersection in the proposed development. In order to obtain necessary vision clearance at the intersection of the proposed street and NW McIntosh Road, vegetation clearing within the existing right-of-way may be required.

18.17.050 Fences

A. Purpose. The purpose of this section is to provide minimum regulations for fences with the desired objectives of privacy and security for residents, and safety for motorists and pedestrians using the streets and sidewalks.

B. Heights. Fences not more than six feet in height may be maintained along the side yard or rear lot lines; provided that such wall or fences does not extend into the front yard area. The front yard area is the distance between the front property line and the nearest point of the building specified in the zone districts under this title. See Figure 18.17.050-1.

RESPONSE: Fences within the project development will meet these requirements.

C. A fence shall not exceed three and a half feet (forty-two inches) in height in the front yard.

RESPONSE: Fences within the project development will meet these requirements.

D. Access. No fence shall be constructed so as to (1) block or restrict vehicular access to a dedicated alley, access, or way, or (2) create a traffic hazard by impairing or obstructing vision clearance from any driveway, alley, or access. Fences over three and a half feet shall not be placed in the vision clearance area on corner lots.

RESPONSE: No fences are proposed that would impede vehicular access or create a traffic hazard. No fences will be placed in vision clearance triangles.

E. Prohibited Materials. Fiberglass sheeting, barbed wire, razor ribbon or other similar temporary material shall not be permitted as a fencing material.

RESPONSE: No prohibited materials will be used as fencing material.

F. Temporary Fences. Vacant property and property under construction may be fenced with a maximum six-foot high, non-view obscuring fence.

RESPONSE: Any temporary fences will not exceed the maximum 6 foot height.

G. Measurement of Fence and Wall Height. The height of a fence or wall shall be measured at the highest average ground level within three feet of either side of said wall or fence. In order to allow for variation in topography, the height of a required fence or wall may vary an amount not to exceed six inches; provided, however, that in no event shall the average height of such wall or fence exceed the maximum height permitted for that location.

RESPONSE: Project fences and walls will meet these height requirements.

H. Agriculture/Ranching (A/R) Exception. Barbed wire and electric fences shall be permitted on land classified A/R. All electric fences in such instances shall be clearly identified. Maintenance, repair, and replacement of existing fences shall be governed by state law.

RESPONSE: There will be no electric or barbed wire fencing adjoining the new lots.

I. Security fencing may be permitted with the following limitations:

- 1. The security fencing shall consist of not more than four strands of barbed wire located on the top of a six-foot high fence, and*
- 2. The security fencing shall be associated with a commercial or industrial development. (Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006) (Ord. No. 2691, § I(Exh. A), 1-21-2014)*

RESPONSE: This code section is not applicable because the site is not a commercial or industrial development.

18.17.060 Retaining Walls

A. Where a retaining wall protects a cut below the natural grade and is located within a required yard, such retaining wall may be topped by a fence or wall of the same height that would otherwise be permitted at that location if no retaining wall existed. See Figure 18.17.060-1(A) Retaining Walls.

B. Where a retaining wall contains a fill above the natural grade, and is located within a required yard, the height of the retaining wall shall be considered as contributing to the permissible height of a fence or wall at that location. A nonsight obscuring fence up to three and one-half feet in height may be erected at the top of the retaining wall for safety. See Figure 18.17.060-1(B) Retaining Walls.

C. Where a wall or fence is located in a required yard adjacent to a retaining wall containing a fill, such wall shall be setback a distance of one foot for each one foot in height of such wall or fence. The area between the wall or fence and the retaining wall shall be landscaped and continuously maintained. See

Figure 18.17.060-1(C) Retaining Walls. (Ord. 2515 § 1 (Exh. A (part)), 2008; Ord. 2443 § 3 (Exh. A (part)), 2006)

RESPONSE: The project developer will comply with these code requirements in the design and construction of retaining walls in required yards.

ADMINISTRATION AND PROCEDURES- (CMC 18.55)

18.55.110 Application – Required Information

Type II or Type III applications include all the materials listed in this subsection. The director may waive the submission of any of these materials if not deemed to be applicable to the specific review sought. Likewise, the director may require additional information beyond that listed in this subsection or elsewhere in the city code, such as a traffic study or other report prepared by an appropriate expert where needed to address relevant approval criteria. In any event, the applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation. Unless specifically waived by the director, the following must be submitted at the time of application:

A. A copy of a completed city application form(s) and required fee(s);

RESPONSE: The Applicant has submitted a completed application form and fees with the application.

B. A complete list of the permit approvals sought by the applicant;

RESPONSE: The applicant is requesting review and approval of a Density Transfer Subdivision in an R-15 zone.

C. A current (within thirty days prior to application) mailing list and mailing labels of owners of real property within three hundred feet of the subject parcel, certified as based on the records of Clark County assessor;

RESPONSE: A current mailing list and 300' radius map are included with this application.

D. A complete and detailed narrative description that describes the proposed development, existing site conditions, existing buildings, public facilities and services, and other natural features. The narrative shall also explain how the criteria are or can be met, and address any other information indicated by staff at the preapplication conference as being required;

RESPONSE: This narrative provides a complete and detailed description of the proposed plan and responds to the applicable code criteria.

E. Necessary drawings in the quantity specified by the director;

RESPONSE: The applicant has submitted drawing sets in the quantity specified by Planning staff.

F. Copy of the preapplication meeting notes (Type II and Type III);

RESPONSE: A copy of the preapplication meeting notes is included in this submittal.

G. SEPA checklist, if required;

RESPONSE: A SEPA Checklist is included in this application submittal. Refer to Appendix D.

H. Signage for Type III applications and short subdivisions: Prior to an application being deemed complete and Type III applications are scheduled for public hearing, the applicant shall post one four-foot by eight-foot sign per road frontage. The sign shall be attached to the ground with a minimum of two four-inch by four-inch posts or better. The development sign shall remain posted and in reasonable condition until a final decision of the city is issued, and then shall be removed by the applicant within fourteen days of the notice of decision by the city. The sign shall be clearly visible from adjoining rights-of-way and generally include the following:

- 1. Description of proposal,*
- 2. Types of permit applications on file and being considered by the City of Camas,*
- 3. Site plan,*
- 4. Name and phone number of applicant, and City of Camas contact for additional information,*
- 5. If a Type III application, then a statement that a public hearing is required and scheduled. Adequate space shall be provided for the date and location of the hearing to be added upon scheduling by the city. (Ord. 2515 § 1 (Exh. A (part)), 2008) (Ord. 2612 § 1 (Exh. A), 2-7-2011)*

RESPONSE: A notice sign will be placed at an appropriate location on site, and evidence of notice posting will be provided to City staff prior to determination of completeness.

VIII. ENVIRONMENT

SEPA CATEGORICAL EXEMPTION AND THRESHOLD DETERMINATIONS- (CMC 16.07)

16.07.040 Environmental Checklist

A. A completed environmental checklist (or a copy) in the form provided in WAC 197-11-960, shall be filed at the same time as an application for a permit, license, certificate, or other approval not specifically exempted in this title; except, a checklist is not needed if the city and applicant agree an EIS is required, SEPA compliance has been completed, or SEPA compliance has been initiated by another agency. The city shall use the environmental checklist to determine the lead agency and, if the city is the lead agency, for determining the responsible official and for making the threshold determination.

B. For private proposals, the city will require the applicant to complete the environmental checklist, providing assistance as necessary. For city proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

C. The city may require that it, and not the private applicant, will complete all or part of the environmental checklist for a private proposal, if either of the following occurs:

- 1. The city has technical information on a question or questions that is unavailable to the private applicant; or*
- 2. The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration. (Ord. 2517 § 1 (Exh. A (part)), 2008)*

RESPONSE: The applicant has submitted a SEPA Checklist – see Appendix D.

ARCHAEOLOGICAL RESOURCE PRESERVATION- (CMC 16.31)

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. (Ord. 2517 § 1 (Exh. A (part)), 2008) ([Ord. No. 17-002](#), § 1(Exh. A), 3-6-2017)*

RESPONSE: The applicant has provided an archaeological predetermination and and archaeological survey, and will adhere to procedures to be followed during construction, as outlined by the archaeologist. Refer to Appendix E.

16.31.015 Archaeological resource 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. (Ord. 2517 § 1 (Exh. A(part)), 2008) ([Ord. No. 17-002](#), § III(Exh. B), 3-6-2017) **Editor's note**— This section was previously located at CMC Section 16.33.015.*

RESPONSE: The archaeologist has not identified any archaeological sites that will be impacted by the proposed development.

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. "Tribe" means any federally recognized or other local Native American government organization which may consider the site to be of historic or cultural significance. (Ord. 2517 § 1 (Exh. A (part)), 2008) ([Ord. No. 2691, § I\(Exh. A\), 1-21-2014](#); [Ord. No. 17-002](#), § I(Exh. A), 3-6-2017)

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. (Ord. 2517 § 1 (Exh. A (part)), 2008) ([Ord. No. 2691, § I\(Exh. A\), 1-21-2014](#))

16.31.040 Recording.

Any archaeological site identified pursuant to the provisions of this chapter shall be recorded with DAHP. (Ord. 2517 § 1 (Exh. A (part)), 2008)

RESPONSE: The archaeologist identified two isolates on the site, and has submitted them to DAHP for recording.

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). (Ord. 2517 § 1 (Exh. A (part)), 2008)

RESPONSE: There are no identified sites or objects proposed for removal.

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.*

RESPONSE: The applicant will comply with the provisions of this chapter if any item of archaeological interest is discovered during the course of a permitted ground-disturbing action or activity.

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\(F\)](#)).*

RESPONSE: The applicant is requesting a land use approval on a site of at least five acres that is considered to have probability levels that include moderate-high and high levels, so a predetermination report is required. A Predetermination report has been completed and included with this application (see Appendix E).

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.

RESPONSE: The proposed project does not trigger any of the exemption standards.

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. (Ord. 2517 § 1 (Exh. A (part)), 2008)

RESPONSE: The project site has probability levels of low, low-moderate, moderate-high and high as shown on Clark County GIS maps, so the entire site is considered to have a high probability level according to this code provision.

16.31.070 Predetermination 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. (Ord. 2517 § 1 (Exh. A (part)), 2008) ([Ord. No. 17-002](#), § I(Exh. A), 3-6-2017)

RESPONSE: The applicant is requesting a land use approval on a site of at least five acres that is considered to have probability levels that include moderate-high and high levels, so a predetermination report is required. A Predetermination report has been completed and included with this application, as well as an Archaeological Survey (see Appendix E).

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. (Ord. 2517 § 1 (Exh. A (part)), 2008) ([Ord. No. 17-002](#), §§ I(Exh. A), V(6), 3-6-2017)

RESPONSE: A Predetermination report has been completed by a qualified professional archaeologist and included with this application.

16.31.100 Predetermination Report 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. (Ord. 2517 § 1 (Exh. A (part)), 2008) ([Ord. No. 17-002](#), §§ I(Exh. A), V(7), 3-6-2017)

RESPONSE: A Predetermination report has been completed and included with this application, as well as an Archaeological Survey (see Appendix E).

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. (Ord. 2517 § 1 (Exh. A (part)), 2008)

RESPONSE: A Predetermination report has been completed and included with this application, as well as an Archaeological Survey (see Appendix E).

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). (Ord. 2517 § 1 (Exh. A (part)), 2008) ([Ord. No. 17-002](#), § I(Exh. A), 3-6-2017)

RESPONSE: An Archaeological Survey has been completed that complies with Camas code requirements.

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. (Ord. 2517 § 1 (Exh. A (part)), 2008) ([Ord. No. 17-002](#), § I(Exh. A), 3-6-2017)

RESPONSE: An Archaeological Survey report has been completed and submitted to DAHP and the tribes.

16.31.140 Review of survey reports and further actions.

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

B. *When the director determines that a survey report is complete and adequate, the director shall, based upon the information contained in the report, determine whether an archaeological site has been identified.*

C. *Where the director determines that no archaeological site has been identified, the application may proceed through the remainder of the development review process.*

D. *Where the director determines that an identified archaeological site is not likely to be significant, and DAHP and the tribes concur, 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. (Ord. 2517 § 1 (Exh. A (part)), 2008) ([Ord. No. 17-002](#), § I(Exh. A), 3-6-2017)*

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.*
(Ord. 2517 § 1 (Exh. A (part)), 2008) (Ord. No. 2612, § I(Exh. A), 2-7-2011).~~(2017).~~

RESPONSE: The applicant will comply with the provisions of this chapter if any item of archaeological interest, or an archaeological or historical materials, are discovered during the course of a permitted ground-disturbing action or activity.

16.31.160 Notification to Tribes

A. Whenever a predetermination or survey is required, the applicant shall provide the tribes with a copy of the application and all supporting materials.

- 1. The submittal to the tribes must include city staff contact information. The report must also inform the tribes that any comments on the development must be received by the Director within fourteen days from the date that notification was mailed or electronic mailed (“email”).*
- 2. Reports may be sent by certified mail, return receipt requested; or by email.*
- 3. For an application to be considered “technically complete”, the applicant must 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.
(Ord. 2517 § 1 (Exh. A (part)), 2008) ([Ord. No. 17-002](#), § I(Exh. A), 3-6-2017)

RESPONSE: The archaeologist will provide a copy of the Archaeological Predetermination report and Survey (Appendix E) and supporting application materials to the tribes. Proof of compliance with this requirement will be provided per these requirements.

PUBLIC VIEW AND OPEN SPACE PROTECTION - (CMC 16.33)

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 as viewed from public rights of way, public open spaces and water bodies, public trails and parks, or land that is planned for inclusion in the Open Space Network as identified in the City of Camas Park, Recreation and Open Space Comprehensive Plan (as currently adopted):*
 - a) Mount Hood;*
 - b) The Columbia River;*
 - c) Lacamas Lake;*
 - d) The Washougal River; and*
 - e) The natural backdrop of Lacamas Lake and the Washougal River.*
- 2. 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.*
- 3. A proposed project may be conditioned or denied to mitigate view impacts.*
- 4. 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.*
(Ord. 2517 § 1 (Exh. A (part)), 2008) (2017)

RESPONSE: There are no existing significant public views that will be blocked by this development. Approaching the ridge, all properties and open space areas are privately owned, so there is no existing public view. The current views into the site are only possible at the intersection of NW Sacajawea and NW McIntosh Road, and that view is of the existing cul-de-sac with field and trees behind. See Figure 1 below.



Figure 1. View into site, south from NW Sacajawea & NW McIntosh Road.

Views of the riparian corridor along McIntosh Road will not be altered by the proposed project. See Figure 2 below.



Figure 2. View of riparian corridor to remain along south side of NW McIntosh Road.

There are no significant natural and human-made features that will be blocked by proposed development 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). The views along the proposed T-11 trail will be altered in some locations at the time of Phase 2 development, although existing trees and shrubs within the riparian corridor will serve as screening. See Figures 3 and 4 below.



Figure 3. View of proposed trail area north of existing equestrian center driveway.



Figure 4. View of field and equestrian center south of proposed trail area.

GENERAL PROVISIONS FOR CRITICAL AREAS - (CMC 16.51)

16.51.070 Critical areas—Regulated.

A. Critical areas regulated by this chapter include wetlands (CMC Chapter 16.53), critical aquifer recharge areas (CMC Chapter 16.55), frequently flooded areas (CMC Chapter 16.57), geologically hazardous areas (CMC Chapter 16.59), and fish and wildlife habitat conservation areas (CMC Chapter 16.61).

B. All areas within the city meeting the definition of one or more critical area, platted natural open space area, and conservation covenant areas, regardless of any formal identification, are designated critical areas and are subject to these provisions. (Ord. 2517 § 1 (Exh. A (part)), 2008)

RESPONSE: Potential critical areas on the site were reviewed by qualified professionals. Their reports are included with this application. Geological, wetland and habitat areas were reviewed.

16.51.080 Best available science.

A. Best Available Science to be Used Must be Consistent with Criteria. The best available science is that scientific information applicable to the critical area prepared by local, state, or federal natural resource agencies, a qualified scientific professional, or team of qualified scientific professionals, that is consistent with criteria established in WAC 365-195-900 through WAC 365-195-925.

B. Absence of Valid Scientific Information. Where there is an absence of valid scientific information, or incomplete scientific information relating to a critical area, leading to uncertainty about the risk to critical area function of permitting an alteration of or impact to the critical area, the director shall:

- 1. Limit development and land use activities until the uncertainty is sufficiently resolved; and*
- 2. Require an effective adaptive management program that relies on scientific methods to evaluate how well regulatory and nonregulatory actions protect the critical area. An adaptive management program is a formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty. An adaptive management program shall:*
 - a. Address funding for the research component of the adaptive management program,*
 - b. Change course based on the results and interpretation of new information that resolves uncertainties, and*
 - c. Commit to the appropriate timeframe and scale necessary to reliably evaluate regulatory and nonregulatory actions affecting protection of critical areas and anadromous fisheries. (Ord. 2517 § 1 (Exh. A (part)), 2008)*

RESPONSE: Potential critical areas on the site were reviewed by qualified professionals within the past 12 months using best available science..

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. *Any grading, filling, or clearing of land, or logging or removal of timber; and*
- J. *Other activities as specified within this title.*

(Ord. 2517 § 1 (Exh. A (part)), 2008) ([Ord. No. 2691, § I\(Exh. A\), 1-21-2014](#); [Ord. No. 17-002](#), §§ I(Exh. A), II, 3-6-2017)

RESPONSE: The proposed subdivision is subject to the criteria of this section.

16.51.100 Exemptions.

A. *Exempt Activities. The following developments, activities, and associated uses shall be exempt from the provisions of this title; provided, that they are otherwise consistent with the provisions of other local, state and federal laws and requirements:*

1. *Emergencies. Emergency activities are those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of damage to private property, and that require remedial or preventative action in a timeframe too short to allow for compliance with the requirements of these provisions.*

An emergency response shall utilize reasonable methods to address the emergency considering the applicable critical area(s); in addition, they must have the least possible impact to the critical area or its management zone. The person or agency undertaking such action shall notify the city within four days following commencement of the emergency activity. If the director determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then enforcement will commence;

2. *After the emergency, the person or agency undertaking the action shall fully restore and/or mitigate any impacts to the critical area and management zones resulting from the emergency action in accordance with an approved critical area report and mitigation plan. Restoration and/or mitigation activities must be initiated within one year of the date of the emergency, and completed in a timely manner;*

3. *Operation, Maintenance or Repair. Operation, maintenance or repair of existing structures, infrastructure improvements, utilities, public or private roads, dikes, levees or drainage systems that do not further alter or increase the impact to, or encroach further within, the critical area or management;*

4. *Passive Outdoor Activities. Recreation, education, and scientific research activities that do not degrade the critical area, including fishing, hiking, and bird watching. Trails must be constructed pursuant to CMC Section 16.51.120(C)(4); and*

5. *Forest Practices. Forest practices regulated and conducted in accordance with the provisions of Chapter 76.09 RCW and forest practices regulations, Title 222 WAC, and those that are exempt from city of Camas' jurisdiction, provided that forest practice conversions are not exempt.*

B. *Exempt Activities Shall Avoid Impacts to Critical Areas.* All exempted activities shall use reasonable methods to avoid potential impacts to critical areas. To be exempt from these provisions does not give permission to degrade a critical area or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's expense. (Ord. 2517 § 1 (Exh. A (part)), 2008)

RESPONSE: The proposed activities are not exempt from the requirements of this chapter.

16.51.110 Exception – Reasonable use.

A. *If the application of this title would deny all reasonable use of the subject property, the property owner may apply for an exception pursuant to this section.*

B. *Exception Request and Review Process.* An application for a reasonable use exception shall be made to the city and shall include a critical area application and fee; critical area report, including mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (Chapter 43.21C RCW) (SEPA documents). A staff report shall be prepared to include a recommendation to the approval authority based on review of the submitted information, a site inspection, and the proposal's ability to comply with reasonable use exception criteria in subsection D of this section.

C. *Public Hearing Required.* A request for an exception under this section shall be considered through a Type III hearing process in accordance with CMC Chapter 18.55.

D. *Reasonable Use Review Criteria.* The criteria for review and approval of reasonable use exceptions is:

1. *The application of these provisions would deny all reasonable use of the property;*
2. *No other reasonable use of the property has less impact on the critical area;*
3. *Any alteration is the minimum necessary to allow for reasonable use of the property; and*
4. *The inability of the applicant to derive reasonable use of the property is not the result of actions by the applicant after the effective date of these provisions or its predecessor.*

E. *Burden of Proof.* The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application. (Ord. 2517 § 1 (Exh. A (part)), 2008)

RESPONSE: The applicant does not require an exception for reasonable use .

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;*
- 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; ^[7]*
- 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. (Ord. 2517 § 1 (Exh. A (part)), 2008) ([Ord. No. 17-002](#), § IV(Exh. C), 3-6-2017)*

Footnotes: --- (7) --- More information on commercial and residential use of chemicals can be found in Department of Ecology "Critical Aquifer Recharge Areas: Guidance Document," Publication #05-10-028.

RESPONSE: There are no previously approved activities that qualify as allowed uses under this section. The applicant has submitted all required reports with the application that are necessary to support approval of the proposed activities.

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. An application must 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 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, removes dead branches, and helps retain the tree's natural shape and height.*

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. ([Ord. No. 17-002](#) , § IV(Exh. A), 3-6-2017)

RESPONSE: The site has been reviewed by a certified arborist, and a Tree Report and Plan have been submitted. The arborist has identified the reasons for removal of each tree. The landowner will replace trees identified for removal within critical areas or their management zones.

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. (Ord. 2517 § 1 (Exh. A (part)), 2008) (2017)

RESPONSE: The project activity is within 200 feet of critical areas. Geotechnical, wetland and habitat reports have been provided to evaluate these critical areas within 200' of the project site. Proposed impacts to critical areas consist of a) release of treated stormwater at pre-development rates, b) wetland buffer impact at project entry to allow addition of sidewalk, c) riparian buffer impacts to allow installation of stormwater pipes and trail extension and d) buffer impacts from up to two residential lots.

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. (Ord. 2517 § 1 (Exh. A (part)), 2008)

RESPONSE: RESPONSE: Potential critical areas on the site were reviewed by qualified professionals, and their reports comprise the critical area report. Geological, wetland and habitat areas, and trees were reviewed.

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. (Ord. 2517 § 1 (Exh. A (part)), 2008)*

RESPONSE: The applicant has provides reports as required by code and as requested by City staff.

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. (Ord. 2517 § 1 (Exh. A (part)), 2008)

RESPONSE: Mitigation reports and proposals to mitigate identified impacts are provided in the attached reports.

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. (Ord. 2517 § 1 (Exh. A (part)), 2008)

RESPONSE:

Geotechnical: The geotechnical engineer has provided a buffer line beyond which no building foundations may be placed. The applicant moved all lot building envelopes outside

of the established slope buffers, thus avoiding the impact completely per Criterion A (avoiding). See Preliminary Plat. Additional commentary on backyard activities within the buffer will be provided by the geotechnical engineer.

Wetland and Riparian Areas: The wetland biologist has provided comments on mitigation sequencing and avoidance/minimization. Refer to mitigation reports in Appendix I.

Trees (in critical areas or management zones): The installation of the stormwater facility will occur at the lowest point of the site that is not forested. Some trees along the paths of the proposed storm lines will travel through treed areas and will need to be removed. The applicant has sought to minimize impact by locating the large facility in a non-treed area, and by routing storm lines through non-treed routes where possible, thus meeting the requirements of Criterion B (minimization).

Site entry: The arborist has provided detailed information about the trees proposed for removal that are within a buffer area at the site entry. In this case, the trees are dead or are in poor health and require removal, thus meeting the requirements for Criterion C (minimizing a hazard)

Lot 39: Five trees will require removal due to the installation of a retaining wall at the boundary between the portion of site to be graded, and the portion to remain at current grade. The applicant will replace the trees per the mitigation requirements for removal of trees in a critical area or its management zone, thus meeting the requirements of Criterion E (compensating).

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. (Ord. 2517 § 1 (Exh. A (part)), 2008)

RESPONSE: The applicant has submitted mitigation plans for wetland buffer impacts and riparian buffer impacts (see Appendix I). In addition, the applicant will replace trees at a 2:1 ratio for any trees removed from critical areas or their management zones. .

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. (Ord. 2517 § 1 (Exh. A (part)), 2008)*

RESPONSE: The applicant is proposing that a portion of the wetland buffer impacts be mitigated at an offsite wetland bank (see Wetland Mitigation Reports, Appendix I) .

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.

(Ord. 2517 § 1 (Exh. A (part)), 2008)

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. Installation of a permanent fence at the edge of the habitat conservation area or management zone is required.

1. Fencing may be waived in the following circumstances:

a. The applicant demonstrates that fencing will not prevent future impacts to the habitat conservation area.

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

2. Fencing installed as part of a proposed activity shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed forty-two inches high and in a manner that minimizes habitat impacts. Approved fencing styles include: vinyl-coated chain link, wooden split rail, or similar, as approved by the city. (Ord. 2517 § 1 (Exh. A (part)), 2008) ([Ord. No. 17-002](#), § 1(Exh. A), 3-6-2017)

RESPONSE: The applicant will provide signage and fencing protection for critical areas as required..

16.51.220 Notice on title.

A. The proponent of any new development proposal which involves a critical area or management zone may be required to file a notice with the Clark County recording division of the county auditor's office. The notice, if required, shall state the presence of the critical area or management zone on the property, of the application of these provisions to the property, and the fact that limitations on actions in or affecting the critical area or management zone may exist. The notice shall run with the land.

B. This notice on title shall not be required for a development proposal by a public agency, or public or private utility:

1. Within a recorded easement or right-of-way;

2. Where the agency or utility has been adjudicated the right to an easement or right-of-way; or

3. On the site of a permanent public facility.

C. The applicant shall submit proof that the notice has been filed for public record before the city approves any development proposal for the property or, in the case of subdivisions, short subdivisions, planned unit developments, and binding site plans, at or before recording. (Ord. 2517 § 1 (Exh. A (part)), 2008)

RESPONSE: The applicant will file any such notices if required .

16.51.230 Native growth protection area (Reserved).

16.51.240 Critical area protective mechanism.

A. Identified critical areas and their associated buffer or management zones shall be protected and preserved through a permanent protective mechanism acceptable to the city. This may include placing the critical area and its associated buffer or management zone in a separate tract; executing a protective easement; or dedicating the critical area and its associated buffer or management zone to a public agency, or public or private land trust. The mechanism shall provide for maintenance of the critical area and its associated buffer or management zone.

B. If the protective mechanism includes placing the critical area and its associated buffer or management zone in a separate tract, then the critical area tract(s) shall:

1. Be recorded on all documents of title of record for all affected lots;

2. Be designated on the face of the plat or recorded drawing in a format approved by the city. The designation shall include the following restriction:

a. An assurance that native vegetation will be preserved for the purpose of preventing harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, management zoning, and protecting plants and animal habitat; and

b. The right of the city to enforce the terms of the restriction.

C. The city may require that any required critical area tract be dedicated to the city, or held by an incorporated homeowner's association or other legal entity. (Ord. 2517 § 1 (Exh. A (part)), 2008)

RESPONSE: The applicant will provide a conservation easement over Tract A (see Preliminary Plat) .

16.51.250 Bonds to ensure mitigation, maintenance, and monitoring..

A. When mitigation required pursuant to a development proposal is not completed prior to the city final permit approval, such as final plat approval, the city shall require the applicant to post a performance bond or other security in a form and amount deemed acceptable by the city. If the development proposal is subject to mitigation, the applicant shall post a mitigation bond or other security in a form and amount deemed acceptable by the city to ensure mitigation is fully functional.

B. The bond shall be in the amount of one hundred twenty-five percent of the estimated cost of the uncompleted actions, or the estimated cost of restoring the functions and values of the critical area that are at risk, whichever is greater.

C. The bond may be in the form of a surety bond, performance bond, assignment of savings account, or an irrevocable letter of credit guaranteed by an acceptable financial institution with terms and conditions acceptable to the city attorney.

D. Bonds or other security authorized by this section shall remain in effect until the city determines, in writing, that the standards bonded for have been met.

E. Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.

F. Public development proposals may be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed for mitigation, maintenance, monitoring, or restoration.

G. Any failure to satisfy critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within thirty days after it is due, or comply with other provisions of an approved mitigation plan, shall constitute a default, and the city may demand payment of any financial guarantees or require other action authorized by the city code or any other law.

H. Any funds recovered pursuant to this section shall be used to complete the required mitigation. (Ord. 2517 § 1 (Exh. A (part)), 2008)

RESPONSE: The applicant will post financial sureties as required in this code section .

WETLANDS- (CMC 16.53)

16.53.010(B) Applicability.

1. The provisions of this chapter apply to all lands, all land uses and development activity, and all structures and facilities in the city, whether or not a permit or permit authorization is required, and shall apply to every person, firm, partnership, corporation, group, governmental agency, or other entity that owns, leases, or administers land within the city. No person, company, agency, or applicant shall alter a wetland or wetland buffer except as consistent with this chapter.

2. The city will not approve any permit or otherwise issue any authorization to alter the condition of any land, water, or vegetation, or to construct or alter any structure or improvement in, over, or on a wetland or wetland buffer, without first ensuring compliance with the requirements of this chapter, including, but not limited to, the following development permits...

3. Reasonable Use Exceptions...

4. Approval of a development permit application pursuant to the provisions of this chapter does not discharge the obligation of the applicant to comply with the provisions of this chapter. (Ord. 2517 § 1 (Exh. A (part)), 2008)

RESPONSE: The applicant has provided a Wetland Delineation report and mitigation plan for impacts to wetland buffers (see Appendices H and I).

16.53.020 Rating system.

A. Designating Wetlands. Wetlands are those areas, designated in accordance with the approved federal wetland delineation manual and applicable regional supplements, that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation adapted for life in saturated soil conditions. All areas within the city of Camas meeting the wetland designation criteria in the approved federal wetland delineation manual and applicable regional supplements, regardless of any formal identification, are hereby designated critical areas and are subject to the provisions of this title.

B. Wetland Rating System. Wetlands shall be rated according to the Washington State Department of Ecology (ecology) wetland rating system found in Washington State Wetland Rating System for Western Washington—2014 Update (Revised, Ecology Publication #14-06-029, October 2014) or most current edition. The rating system document contains the definitions and methods for determining if the criteria below are met:

1. Wetland Rating Categories.

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

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

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

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

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

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

2. Date of Wetland Rating. Wetland rating categories shall be applied as the wetland exists on the date of adoption of the rating system by the local government, as the wetland naturally changes thereafter, or as the wetland changes in accordance with permitted activities. Wetland rating categories shall not change due to illegal modifications. (Ord. 2517 § 1 (Exh. A (part)), 2008) ([Ord. No. 2691, § I\(Exh. A\), 1-21-2014](#) ; [Ord. No. 15-001](#) , § I, 1-5-2015; [Ord. No. 15-007](#) , § II(Exh. A), 3-16-2015)

RESPONSE: The applicant has provided a Wetland Delineation report and mitigation plan for impacts to wetland buffers (see Appendices H and I).

16.53.030 Critical area report—Additional requirements for wetlands.

A. Prepared by a Qualified Professional. A critical areas report for wetlands shall be prepared by a qualified professional who is a wetland biologist with experience preparing wetland reports.

B. Area Addressed in Critical Area Report. In addition to the requirements of Chapter 16.51, the following areas shall be addressed in a critical area report for wetlands:

- 1. Within a subject parcel or parcels, the project area of the proposed activity;*

2. *All wetlands and recommended buffer zones within three hundred feet of the project area within the subject parcel or parcels;*
3. *All shoreline areas, water features, floodplains, and other critical areas, and related buffers within three hundred feet of the project area within the subject parcel or parcels;*
4. *The project design and the applicability of the buffers based on the proposed layout and the level of land use intensity; and*
5. *Written documentation from the qualified professional demonstrating compliance with the requirements of this chapter.*

C. Wetland Determination. In conjunction with the submittal of a development permit application, the responsible official shall determine the probable existence of a wetland on the subject parcel. If wetland or wetland buffers are found to be likely to exist on the parcel, wetland delineation is required.

D. Wetland Delineation.

1. *Methodology. Wetland delineation shall be determined in accordance with the approved federal wetland delineation manual and applicable regional supplements.*
2. *Information Requirements. Wetland boundaries shall be staked and flagged in the field and a delineation report shall be submitted to the department. The report shall include the following information:*
 - a. *USGS quadrangle map with site clearly defined;*
 - b. *Topographic map of area;*
 - c. *National wetland inventory map showing site;*
 - d. *Soil conservation service soils map showing site;*
 - e. *Site map, at a scale no smaller than one inch equals one hundred feet (a scaling ratio of one is to one thousand two hundred), if practical, showing the following information:*
 - i. *Wetland boundaries;*
 - ii. *Sample sites and sample transects;*
 - iii. *Boundaries of forested areas;*
 - iv. *Boundaries of wetland classes if multiple classes exist;*
 - f. *Discussion of methods and results with special emphasis on technique used from the approved federal wetland delineation manual and applicable regional supplements;*
 - g. *Acreage of each wetland on the site based on the survey if the acreage will impact the buffer size determination or the project design;*
 - h. *All completed field data sheets per the approved federal wetland delineation manual and applicable regional supplements, numbered to correspond to each sample site.*

E. Wetland Analysis. In addition to the minimum required contents of subsection D of this section, and in addition to Section 16.51.140, a critical area report for wetlands shall contain an analysis of the wetlands including the following site- and proposal-related information at a minimum:

1. *A discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve existing wetlands and restore any wetlands that were degraded prior to the current proposed land use activity.*
2. *Proposed mitigation, if needed, including a written assessment and accompanying maps of the mitigation area, including the following information at a minimum:*

- a. Existing and proposed wetland acreage;
 - b. Vegetative, faunal, and hydrologic conditions;
 - c. Relationship within watershed, and to existing water bodies;
 - d. Soil and substrate conditions, topographic elevations;
 - e. Existing and proposed adjacent site conditions;
 - f. Required wetland buffers; and
 - g. Property ownership.
3. A discussion of ongoing management practices that will protect wetlands after the project site has been developed; including proposed monitoring and maintenance programs.

When deemed appropriate, the director may also require the critical area report to include an evaluation by the Department of Ecology or an independent qualified expert regarding the applicant's analysis, and the effectiveness of any proposed mitigating measures or programs, and to include any recommendations as appropriate. (Ord. 2517 § 1 (Exh. A (part)), 2008) ([Ord. No. 15-001](#), § II, 1-5-2015; [Ord. No. 15-007](#), § II(Exh. A), 3-16-2015)

RESPONSE: The applicant has provided a Wetland Delineation report and mitigation plan for impacts to wetland buffers (see Appendices H and I).

16.53.040 Standards.

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

B. Wetland Buffers.

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

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

Table 16.53.040-1. Buffers Required to Protect Water Quality Functions

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

<i>Category IV</i>	<i>25 ft.</i>	<i>40 ft.</i>	<i>50 ft.</i>
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Table 16.53.040-2. Buffers Required to Protect Habitat Functions in Category I and II Wetlands

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

Table 16.53.040-3. Buffers Required to Protect Habitat Functions in Category III Wetlands

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

Table 16.53.040-4. Land Use Intensity Matrix ¹

	<i>Parks and Recreation</i>	<i>Streets and Roads</i>	<i>Stormwater Facilities</i>	<i>Utilities</i>	<i>Commercial/Industrial</i>	<i>Residential₂</i>
<i>Low</i>	<i>Natural fields</i>	<i>NA</i>	<i>Outfalls, spreade</i>	<i>Underground and</i>	<i>NA</i>	<i>Density at or</i>

	<i>and grass areas, viewing areas, split rail fencing</i>		<i>rs, constructed wetlands, bioswales, vegetated detention basins, overflows</i>	<i>overhead utility lines, manholes, power poles (without footings)</i>		<i>lower than 1 unit per 5 acres</i>
<i>Moderate</i>	<i>Imperious trails, engineered fields, fairways</i>	<i>Residential drive ways and accesses roads</i>	<i>Wet ponds</i>	<i>Maintenance access roads</i>	<i>NA</i>	<i>Density between 1 unit per acre and higher than 1 unit per 5 acres</i>
<i>High</i>	<i>Greens, tees, structures, parking, lighting, concrete or gravel pads, security fencing</i>	<i>Public and private streets, security fencing, retaining walls</i>	<i>Maintenance access roads, retaining walls, vaults, infiltration basins, sedimentation fore bays and structures, security fencing</i>	<i>Paved or concrete surfaces, structures, facilities, pump stations, towers, vaults, security fencing, etc.</i>	<i>All site development</i>	<i>Density higher than 1 unit per acre</i>

¹ The responsible official shall determine the intensity categories applicable to proposals should characteristics not be specifically listed in Table 16.53.060-4.

² Measured as density averaged over a site, not individual lot sizes.

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. Temporary Marking. 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 permit review and construction.

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

a. Fencing must be forty-two-inch high continuous fencing, which is vinyl-coated chain link, wooden split rail, or similar, as approved by the city.

b. Signs must measure twelve inches by eighteen inches and shall be posted on a six-foot high green steel post at an interval of one per lot. If demarcation is along a tract boundary without lots, then place signs at an interval of every one hundred feet. Signs must be worded substantially as follows:

**Wetland and Buffer Area—
Retain in a natural state.**

c. Fencing may be waived in the following circumstances:

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

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

3. *A conservation covenant shall be recorded in a form approved by the city as adequate to incorporate the other restrictions of this section and to give notice of the requirement to obtain a wetland permit prior to engaging in regulated activities within a wetland or its buffer.*

4. *In the case of plats, short plats, and recorded site plans, include on the face of such instrument the boundary of the wetland and its buffer, and a reference to the separately recorded conservation covenant provided for in subsection (C)(3) of this section.*

D. Standard Requirements—Waivers. The responsible official shall waive the requirements of Section 16.53.030(D) and subsection B of this section in certain cases described below if the applicant designates development envelopes which are clearly outside of any wetland or buffer. The responsible official may require partial wetland delineation to the extent necessary to ensure eligibility for this waiver:

1. *Residential building permits and home businesses;*

2. *Site plan reviews where the responsible official determines that all development is clearly separated from the wetlands and wetland buffers:*

a. *Development envelopes shall be required for a fully complete preliminary application;*

b. *Development envelopes shall be shown on the final site plan; and*

c. *A note referencing the development envelopes shall be placed on the final site plan. (Ord. 2517 § 1 (Exh. A (part)), 2008) ([Ord. No. 15-001](#), § III—V, 1-5-2015; [Ord. No. 15-007](#), § II(Exh. A), 3-16-2015; [Ord. No. 17-002](#), § I(Exh. A), 3-6-2017)*

RESPONSE: The applicant has provided a Wetland Delineation report and mitigation plan for impacts to wetland buffers (see Appendices H and I).

16.53.050 Wetland permits.

A. General.

1. *A wetland permit is required for any development activity that is not exempt pursuant to Section 16.53.010(C) within wetlands and wetland buffers.*

2. *Standards for wetland permits are provided in subsections B, C and D of this section.*

3. *All wetland permits require approval of a preliminary and final enhancement/mitigation plan in accordance with the provisions of subsection E of this section unless the preliminary enhancement/mitigation plan requirement is waived under the provisions of subsection (E)(2) of this section.*

4. *Wetland permit application, processing, preliminary approval, and final approval procedures are set out in subsections F through I of this section.*

5. *Provisions for programmatic permits are provided by subsection K of this section.*

6. *Provisions for emergency wetland permits are provided by subsection L of this section.*

B. Standards—General. Wetland permit applications shall be based upon a mitigation plan and shall satisfy the following general requirements:

1. *The proposed activity shall not cause significant degradation of wetland functions;*

2. *The proposed activity shall comply with all state, local, and federal laws, including those related to sediment control, pollution control, floodplain restrictions, stormwater management, and on-site wastewater disposal.*

C. Buffer Standards and Authorized Activities. The following additional standards apply for regulated activities in a wetland buffer to ensure no net loss of ecological functions and values:

1. Buffer Reduction Incentives. Standard buffer widths may be reduced under the following conditions, provided that functions of the post-project wetland are equal to or greater after use of these incentives.

a. Lower Impact Land Uses. The buffer widths recommended for proposed land uses with high-intensity impacts to wetlands can be reduced to those recommended for moderate-intensity impacts if both of the following criteria are met:

i. A relatively undisturbed, vegetated corridor at least one hundred feet wide is protected between the wetland and any other priority habitats that are present as defined by the Washington State Department of Fish and Wildlife [\[8\]](#); and

ii. Measures to minimize the impacts of the land use adjacent to the wetlands are applied, such as infiltration of stormwater, retention of as much native vegetation and soils as possible, direction of noise and light away from the wetland, and other measures that may be suggested by a qualified wetland professional.

b. Restoration. Buffer widths may be reduced up to twenty-five percent if the buffer is restored or enhanced from a pre-project condition that is disturbed (e.g., dominated by invasive species), so that functions of the post-project wetland and buffer are equal or greater. To the extent possible, restoration should provide a vegetated corridor of a minimum one hundred feet wide between the wetland and any other priority habitat areas as defined by the Washington State Department of Fish and Wildlife. The habitat corridor must be protected for the entire distance between the wetland and the priority habitat area by some type of permanent legal protection such as a covenant or easement. The restoration plan must meet requirements in subsection D of this section for a mitigation plan, and this section for a critical area report.

c. Combined Reductions. Buffer width reductions allowed under subsections (C)(1)(a) and (C)(1)(b) of this section may be added provided that minimum buffer widths shall never be less than seventy-five percent of required buffer width for all Categories I and II, or less than fifty feet for Category III wetlands, and twenty-five feet for all Category IV wetlands.

2. Buffer Averaging. Averaging buffers is allowed in conjunction with any of the other provisions for reductions in buffer width (listed in subsection (C)(1) of this section) provided that minimum buffer widths listed in subsection (C)(1)(c) of this section are adhered to. The community development department shall have the authority to average buffer widths on a case-by-case basis, where a qualified wetlands professional demonstrates, as part of a critical area report, that all of the following criteria are met:

a. The total area contained in the buffer after averaging is no less than that contained within the buffer prior to averaging;

b. Decreases in width are generally located where wetland functions may be less sensitive to adjacent land uses, and increases are generally located where wetland functions may be more sensitive to adjacent land uses, to achieve no net loss or a net gain in functions;

c. The averaged buffer, at its narrowest point, shall not result in a width less than seventy-five percent of the required width, provided that minimum buffer widths shall never be less than fifty feet for all Category I, Category II, and Category III wetlands, and twenty-five feet for all Category IV wetlands; and

d. Effect of Mitigation. If wetland mitigation occurs such that the rating of the wetland changes, the requirements for the category of the wetland after mitigation shall apply.

3. Stormwater Facilities. Stormwater facilities are only allowed in buffers of wetlands with low habitat function (less than four points on the habitat section of the rating system form); provided, the facilities shall be built on the outer edge of the buffer and not degrade the existing buffer function, and are designed to blend with the natural landscape. Unless determined otherwise by the responsible official, the following

activities shall be considered to degrade a wetland buffer when they are associated with the construction of a stormwater facility:

- a. Removal of trees greater than four inches diameter at four and one-half feet above the ground or greater than twenty feet in height;*
- b. Disturbance of plant species that are listed as rare, threatened, or endangered by the city, county, or any state or federal management agency;*
- c. The construction of concrete structures, other than manholes, inlets, and outlets that are exposed above the normal water surface elevation of the facility;*
- d. The construction of maintenance and access roads;*
- e. Slope grading steeper than four to one horizontal to vertical above the normal water surface elevation of the stormwater facility;*
- f. The construction of pre-treatment facilities such as fore bays, sediment traps, and pollution control manholes;*
- g. The construction of trench drain collection and conveyance facilities;*
- h. The placement of fencing; and*
- i. The placement of rock and/or riprap, except for the construction of flow spreaders, or the protection of pipe outfalls and overflow spillways; provided that buffer functions for areas covered in rock and/or riprap are replaced.*

4. Road and Utility Crossings. Crossing buffers with new roads and utilities is allowed provided all the following conditions are met:

- a. Buffer functions, as they pertain to protection of the adjacent wetland and its functions, are replaced; and*
- b. Impacts to the buffer and wetland are minimized.*

5. Other Activities in a Buffer. Regulated activities not involving stormwater management, road and utility crossings, or a buffer reduction via enhancement are allowed in the buffer if all the following conditions are met:

- a. The activity is temporary and will cease or be completed within three months of the date the activity begins;*
- b. The activity will not result in a permanent structure in or under the buffer;*
- c. The activity will not result in a reduction of buffer acreage or function;*
- d. The activity will not result in a reduction of wetland acreage or function.*

D. Standards—Wetland Activities. The following additional standards apply to the approval of all activities permitted within wetlands under this section:

1. Sequencing. Applicants shall demonstrate that a range of project alternatives have been given substantive consideration with the intent to avoid or minimize impacts to wetlands. Documentation must demonstrate that the following hierarchy of avoidance and minimization has been pursued:

- a. Avoid impacts to wetlands unless the responsible official finds that:*
 - i. For Categories I and II wetlands, avoiding all impact is not in the public interest or will deny all reasonable economic use of the site;*
 - ii. For Categories III and IV wetlands, avoiding all impact will result in a project that is either:*

(A) Inconsistent with the city of Camas comprehensive plan;

(B) Inconsistent with critical area conservation goals; or

(C) Not feasible to construct.

b. Minimize impacts to wetlands if complete avoidance is infeasible. The responsible official must find that the applicant has limited the degree or magnitude of impact to wetlands by using appropriate technology and by taking affirmative steps to reduce impact through efforts such as:

i. Seeking easements or agreements with adjacent land owners or project proponents where appropriate;

ii. Seeking reasonable relief that may be provided through application of other city zoning and design standards;

iii. Site design; and

iv. Construction techniques and timing.

c. Compensate for wetland impacts that will occur, after efforts to minimize have been exhausted. The responsible official must find that:

i. The affected wetlands are restored to the conditions existing at the time of the initiation of the project;

ii. Unavoidable impacts are mitigated in accordance with this subsection; and

iii. The required mitigation is monitored and remedial action is taken when necessary to ensure the success of mitigation activities.

2. Location of Wetland Mitigation. Wetland mitigation for unavoidable impacts shall be located using the following prioritization:

a. On-Site. Locate mitigation according to the following priority:

i. Within or adjacent to the same wetland as the impact;

ii. Within or adjacent to a different wetland on the same site;

b. Off-Site. Locate mitigation within the same watershed or use an established wetland mitigation bank; the service area determined by the mitigation bank review team and identified in the executed mitigation bank instrument;

c. In-Kind. Locate or create wetlands with similar landscape position and the same hydro-geomorphic (HGM) classification based on a reference to a naturally occurring wetland system; and

d. Out-of-Kind. Mitigate in a different landscape position and/or HGM classification based on a reference to a naturally occurring wetland system.

3. Types of Wetland Mitigation. The various types of wetland mitigation allowed are listed below in the general order of preference.

a. Restoration. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former or degraded wetland. For the purpose of tracking net gains in wetland acres, restoration is divided into:

i. Re-Establishment. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Re-establishment results in a gain in wetland acres (and functions). Activities could include removing fill material, plugging ditches, or breaking drain tiles.

ii. Rehabilitation. The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural or historic functions to a degraded wetland. Re-establishment results in a gain

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

b. *Creation (Establishment).* The manipulation of the physical, chemical, or biological characteristics of a site with the goal of developing a wetland on an upland or deepwater site where a wetland did not previously exist. Establishment results in a gain in wetland acres. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, create hydric soils, and support the growth of hydrophytic plant species.

c. *Enhancement.* The manipulation of the physical, chemical, or biological characteristics of a wetland site to heighten, intensify, or improve the specific function(s), or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, floodwater retention, or wildlife habitat. Enhancement results in a change in some wetland functions and can lead to a decline in other wetland functions, but does not result in a gain in wetland acres. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations, or the proportion of open water to influence hydroperiods, or some combination of these activities.

d. *Protection/Maintenance (Preservation).* Removing a threat to, or preventing the decline of, wetland conditions by an action in or near a wetland. This includes the purchase of land or easements, repairing water control structures or fences, or structural protection such as repairing a barrier island. This term also includes activities commonly associated with the term preservation.

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

4. Wetland Mitigation Ratios.

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

Table 16.53.050-1. Standard Wetland Mitigation Ratios (In Area)

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

<i>Forested</i>					
<i>Category I, Based on Score for Functions</i>	<i>4:1</i>	<i>8:1</i>	<i>1:1 R/C and 6:1 RH</i>	<i>1:1 R/C and 12:1 E</i>	<i>16:1</i>
<i>Category I, Natural Heritage Site</i>	<i>Not considered possible</i>	<i>6:1 Rehabilitate a natural heritage site</i>	<i>N/A</i>	<i>N/A</i>	<i>Case-by-case</i>

b. Preservation. The responsible official has the authority to approve preservation of existing wetlands as wetland mitigation under the following conditions:

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

Table 16.53.050-2. Wetland Preservation Ratios for Categories I and II Wetlands (In Area)

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

c. The responsible official has the authority to reduce wetland mitigation ratios under any of the following circumstances:

i. Documentation by a qualified wetland specialist demonstrates that the proposed mitigation actions have a very high likelihood of success based on prior experience;

ii. Documentation by a qualified wetland specialist demonstrates that the proposed actions for compensation will provide functions and values that are significantly greater than the wetland being affected;

iii. The proposed actions for compensation are conducted in advance of the impact and are shown to be successful;

iv. In wetlands where several HGM classifications are found within one delineated wetland boundary, the areas of the wetlands within each HGM classification can be scored and rated separately and the mitigation ratios adjusted accordingly, if all the following apply:

(A) The wetland does not meet any of the criteria for wetlands with "Special Characteristics," as defined in the rating system;

(B) The rating and score for the entire wetland is provided, as well as the scores and ratings for each area with a different HGM classification;

(C) Impacts to the wetland are all within an area that has a different HGM classification from the one used to establish the initial category; and

(D) The proponents provide adequate hydrologic and geomorphic data to establish that the boundary between HGM classifications lies at least fifty feet outside of the footprint of the impacts.

5. Alternate Wetland Mitigation.

a. Wetland Mitigation Banks.

i. Credits from a wetland mitigation bank may be approved for use as compensation for unavoidable impacts to wetlands when:

(A) The bank is certified under state rules;

(B) The administrator determines that the wetland mitigation bank provides appropriate compensation for the authorized impacts; and

(C) The proposed use of credits is consistent with the terms and conditions of the certified bank instrument.

ii. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the certified bank instrument.

iii. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the certified bank instrument. In some cases, the service area of the bank may include portions of more than one adjacent drainage basin for specific wetland functions.

b. In-Lieu Fee. To aid in the implementation of off-site mitigation, the city may develop an in-lieu fee program. This program shall be developed and approved through a public process and be consistent with federal rules, state policy on in-lieu fee mitigation, and state water quality regulations. An approved in-lieu-fee program sells compensatory mitigation credits to permittees whose obligation to provide compensatory mitigation is then transferred to the in-lieu program sponsor, a governmental or nonprofit natural resource management entity. Credits from an approved in-lieu-fee program may be used when subsections i through vi below apply:

- i. *The approval authority determines that it would provide environmentally appropriate compensation for the proposed impacts.*
- ii. *The mitigation will occur on a site identified using the site selection and prioritization process in the approved in-lieu-fee program instrument.*
- iii. *The proposed use of credits is consistent with the terms and conditions of the approved in-lieu-fee program instrument.*
- iv. *Land acquisition and initial physical and biological improvements of the mitigation site must be completed within three years of the credit sale.*
- v. *Projects using in-lieu-fee credits shall have debits associated with the proposed impacts calculated by the applicant's qualified wetland scientist using the method consistent with the credit assessment method specified in the approved instrument for the in-lieu-fee program.*
- vi. *Credits from an approved in-lieu-fee program may be used to compensate for impacts located within the service area specified in the approved in-lieu-fee instrument.*
- c. *Compensatory mitigation credits may be issued for unavoidable impacts in the following cases:*
 - i. *Residential building permits where on-site enhancement and/or preservation is not adequate to meet the requirements of subsection (D)(4) of this section;*
 - ii. *Approved reasonable use exceptions where sufficient on-site wetland and wetland buffer mitigation is not practical;*
 - iii. *Small impacts affecting less than 0.10 acre of wetland where on-site enhancement and/or preservation is not adequate to meet the requirements of subsection (D)(4) of this section; or*
 - iv. *As an additional mitigation measure when all other mitigation options have been applied to the greatest extent practicable.*
- 6. *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.*

E. Mitigation Plans.

- 1. *General. Mitigation plans are required for activities in a buffer or wetland. Content requirements which are inappropriate and inapplicable to a project may be waived by the responsible official upon request of the applicant at or subsequent to the pre-application consultation provided for in subsection (F)(1) of this section.*
- 2. *Preliminary Mitigation Plan. The purpose of the preliminary plan is to determine the feasibility of the project before extensive resources are devoted to the project. The responsible official may waive the*

requirement for a preliminary mitigation plan when a wetland permit is not associated with a development permit application (listed in Section 16.53.010(B)). The preliminary mitigation plan consists of two parts: baseline information for the site and a conceptual plan. If off-site wetland mitigation is proposed, baseline information for both the project site and mitigation site is required.

a. Baseline information shall include:

- i. Wetland delineation report as described in Section 16.53.030(D)(2);*
- ii. Copies of relevant wetland jurisdiction determination letters, if available, such as determinations of prior converted crop lands, correspondence from state and federal agencies regarding prior wetland delineations, etc.;*
- iii. Description and maps of vegetative conditions at the site;*
- iv. Description and maps of hydrological conditions at the site;*
- v. Description of soil conditions at the site based on a preliminary on-site analysis;*
- vi. A topographic map of the site; and*
- vii. A functional assessment of the existing wetland and buffer.*

(A) Application of the rating system in Section 16.53.020(B) will generally be considered sufficient for functional assessment;

(B) The responsible official may accept or request an alternate functional assessment methodology when the applicant's proposal requires detailed consideration of specific wetland functions;

(C) Alternate functional assessment methodologies used shall be scientifically valid and reliable.

b. The contents of the conceptual mitigation plan shall include:

- i. Goals and objectives of the proposed project;*
- ii. A wetland buffer width reduction plan, if width reductions are proposed, that includes:*

(A) The land use intensity, per Table 16.53.040-4, of the various elements of the development adjacent to the wetlands;

(B) The wetland buffer width(s) required by Tables 16.53.040-1, 16.53.040-2 and 16.53.040-3;

(C) The proposed buffer width reductions, including documentation that proposed buffer width reductions fully protect the functions of the wetland in compliance with subsection C of this section;

iii. A wetland mitigation plan that includes:

(A) A sequencing analysis for all wetland impacts;

(B) A description of all wetland impacts that require mitigation under this chapter; and

(C) Proposed mitigation measures and mitigation ratios;

iv. Map showing proposed wetland and buffer. This map should include the existing and proposed buffers and all proposed wetland impacts regulated under this chapter;

v. Site plan;

vi. Discussion and map of plant material to be planted and planting densities;

vii. Preliminary drainage plan identifying location of proposed drainage facilities, including detention structures and water quality features (e.g., swales);

viii. Discussion of water sources for all wetlands on the site;

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

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

F. Wetland Permit—Application.

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

G. Wetland Permit—Processing.

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

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

H. Wetland Permit—Preliminary Approval.

1. *Decision Maker.* A wetland permit application which has been consolidated with another permit or approval request which requires a public hearing (e.g., preliminary plat) shall be heard and decided in accordance with the procedures applicable to such other request. Any other wetland permit application shall be acted on by the responsible official within the timeline specified in Appendix B [of the Shoreline Master Plan] or CMC Chapter 18.55 for the required permit type.

2. *Findings.* A decision preliminarily approving or denying a wetland permit shall be supported by findings of fact relating to the standards and requirements of this chapter.

3. *Conditions.* A decision preliminarily approving a wetland permit shall incorporate at least the following as conditions:

- a. The approved preliminary mitigation plan;
 - b. Applicable conditions provided for in subsection (E)(3) of this section;
 - c. Posting of a performance assurance pursuant to subsection J of this section; and
 - d. Posting of a maintenance assurance pursuant to subsection J of this section.
4. *Duration.* Wetland permit preliminary approval shall be valid for a period of three years from the date of issuance or termination of administrative appeals or court challenges, whichever occurs later, unless:
- a. A longer period is specified in the permit; or
 - b. The applicant demonstrates good cause to the responsible official's satisfaction for an extension not to exceed an additional one year.

I. Wetland Permit—Final Approval.

1. *Issuance.* The responsible official shall issue final approval of the wetland permit authorizing commencement of the activity permitted thereby upon:

- a. Submittal and approval of a final mitigation plan pursuant to subsection (E)(3) of this section;
- b. Installation and approval of field markings as required by Section 16.53.040(C)(2);
- c. The recording of a conservation covenant as required by Section 16.53.040(C)(3) and included on the plat, short plat, or site plan as required by Section 16.53.040(C)(4);
- d. The posting of a performance assurance as required by subsection (H)(3) of this section.

2. *Duration.*

a. *Wetland or Wetland Buffer Impacts.* Final approval shall be valid for the period specified in the final wetland permit, or the associated development approval. Extension of the permit shall only be granted in conjunction with extension of an associated permit.

b. *Compensatory Mitigation.* The compensatory mitigation requirements of the permit shall remain in effect for the duration of the monitoring and maintenance period specified in the approval.

J. Wetland Permit Financial Assurances.

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

- a. An escrow account secured with an agreement approved by the responsible official;

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

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

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

1. Application Submittal Requirements. Unless waived by the responsible official with specific findings in the approval document in accordance with subsection (K)(2) of this section, applications for programmatic wetland permits shall include a programmatic permit plan that includes the following:

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

2. Findings. A decision preliminarily approving or denying a programmatic wetland permit shall be supported by findings of fact relating to the standards and requirements of this chapter.

3. *Approval Conditions.* Approval of a programmatic wetland permit shall incorporate at least the following as conditions:

- a. *The approved programmatic permit plan;*
- b. *Annual reporting requirements; and*
- c. *A provision stating the duration of the permit.*

4. *Duration and Re-authorization.*

a. *The duration of a programmatic permit is for five years, unless:*

- i. *An annual performance based re-authorization program is approved within the permit; or*
- ii. *A shorter duration is supported by findings.*

b. *Requests for re-authorization of a programmatic permit must be received prior to the expiration of the original permit.*

i. *Re-authorization is reviewed and approved through the process described in subsection (K)(1) of this section.*

ii. *Permit conditions and performance standards may be modified through the re-authorization process.*

iii. *The responsible official may temporarily extend the original permit if the review of the re-authorization request extends beyond the expiration date.*

L. *Wetland Permit—Emergency.*

1. *Authorization.* Notwithstanding the provisions of this chapter or any other laws to the contrary, the responsible official may issue prospectively or, in the case of imminent threats, retroactively a temporary emergency wetlands permit if:

- a. *The responsible official determines that an unacceptable threat to life or loss of property will occur if an emergency permit is not granted; and*
- b. *The anticipated threat or loss may occur before a permit can be issued or modified under the procedures otherwise required by this act and other applicable laws.*

2. *Conditions.* Any emergency permit granted shall incorporate, to the greatest extent practicable and feasible, but not inconsistent with the emergency situation, the standards and criteria required for nonemergency activities under this act and shall:

- a. *Be limited in duration to the time required to complete the authorized emergency activity, not to exceed ninety days; and*
- b. *Require, within this ninety-day period, the restoration of any wetland altered as a result of the emergency activity, except that if more than the ninety days from the issuance of the emergency permit is required to complete restoration, the emergency permit may be extended to complete this restoration.*

3. *Notice.* Notice of issuance of an emergency permit shall be published in a newspaper having general circulation in the city of Camas not later than ten days after issuance of such permit.

4. *Termination.* The emergency permit may be terminated at any time without process upon a determination by the responsible official that the action was not or is no longer necessary to protect human health or the environment.

M. *Revocation.* In addition to other remedies provided for elsewhere in this chapter, the responsible official may suspend or revoke wetland permit(s) issued in accordance with this chapter and associated development permits, pursuant to the provisions of [the Shoreline Master Program], Appendix B, Administration and Enforcement, if the applicant or permittee has not complied with any or all of the

conditions or limitations set forth in the permit, has exceeded the scope of work set forth in the permit, or has failed to undertake the project in the manner set forth in the permit.

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

1. *Applications for city land use permits on sites that have been cited or issued an administrative notice of correction or order under Title 18, or have been otherwise documented by the city for activities in violation of this chapter, shall not be processed for a period of six years provided:*

a. *The city has the authority to apply the permit moratorium to the property;*

b. *The city records the permit moratorium; and*

c. *The responsible official may reduce or wave the permit moratorium duration upon approval of a wetland permit under this section.*

2. *Compensatory mitigation requirements under subsections C and D of this section may be increased by the responsible official as follows:*

a. *All or some portion of the wetland or wetland buffer impact cannot be permitted or restored in place; and*

b. *Compensatory mitigation for the impact is delayed more than one year from the time of the original citation or documentation of the violation. (Ord. 2517 § 1 (Exh. A (part)), 2008) ([Ord. No. 15-001](#), § VI—IX, 1-5-2015; [Ord. No. 15-007](#), § II(Exh. A), 3-16-2015; [Ord. No. 17-002](#), § I(Exh. A), II, 3-6-2017)*

Footnotes: --- (8) --- If priority habitats are not present in the vicinity of the proposed land use, criterion (ii) is sufficient for buffer width reductions. The development of these measures and their review by the city, which may include referral to independent qualified professionals, shall be at the applicant's expense. If proposed future land uses are more intense, they are not eligible to maintain this reduction.

RESPONSE: The applicant has provided a Wetland Delineation report and mitigation plan for impacts to wetland buffers (see Appendices H and I).

GEOLOGICALLY HAZARDOUS AREAS- (CMC 16.59)

16.59.010 Designation of Geologically Hazardous Areas

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

A. Erosion hazard;

B. Landslide hazard;

C. Seismic hazard; or

D. Other geological events including, mass wasting, debris flows, rock falls and differential settlement. (Ord. 2517 § 1 (Exh. A (part)), 2008)

RESPONSE: There are geologically hazardous areas on the project site. A small Severe Erosion Hazard area is located in the southeast portion of the project site, and slopes exceeding 15% are located along the edge of the west lots in Phase 2, and the riparian corridor. See Geotechnical Report, Appendix G.

16.59.020 Designation of Specific Hazard Areas

A. *Erosion Hazard Areas.* Erosion hazard areas are areas where there is not a mapped or designated landslide hazard, but where there are steep slopes equal to or greater than forty percent slope. Steep slopes which are less than ten feet in vertical height and not part of a larger steep slope system, and steep slopes created through previous legal grading activity are not regulated steep slope hazard areas.

RESPONSE: There are no steep slopes exceeding 40% on the project area to be developed. There is a small area of slopes exceeding 40% located in the riparian corridor.

B. *Landslide Hazard Areas.* Landslide hazard areas are areas potentially subject to landslides based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. Examples of these may include, but are not limited to the following:

1. *Areas of previous slope failures including areas of unstable old or recent landslides;*
 2. *Areas with all three of the following characteristics:*
 - a. *Slopes steeper than fifteen percent,*
 - b. *Hillsides intersecting geologic contacts with permeable sediment overlying a low permeability sediment or bedrock, and*
 - c. *Any springs or ground water seepage;*
 3. *Slopes that are parallel or sub-parallel to planes of weakness, such as bedding planes, joint systems and fault planes in subsurface materials;*
 4. *Areas mapped by:*
 - a. *Washington Department of Natural Resources Open File Report: Slope Stability of Clark County, 1975, as having potential instability, historical or active landslides, or as older landslide debris, and*
 - b. *The Washington Department of Natural Resources Open File Report Geologic Map of the Vancouver Quadrangle, Washington and Oregon, 1987, as landslides;*
 5. *Slopes greater than eighty percent, subject to rock fall during earthquake shaking;*
 6. *Areas potentially unstable as a result of rapid stream incision, stream bank erosion, and stream undercutting the toe of a slope;*
 7. *Areas located in a canyon or on an active alluvial fan, presently or potentially subject to inundation by debris flows, debris torrents or catastrophic flooding.*
- C. *"Seismic hazard area" means an area subject to severe risk of damage as a result of earthquake-induced soil liquefaction, ground shaking amplification, slope failure, settlement, or surface faulting. Relative seismic hazard is mapped on the NEHRP site class map of Clark County, published by the Washington Department of Natural Resources.*
- D. *Other Hazard Areas.* Geologically hazardous areas shall also include areas determined by the city to be susceptible to other geological events, including mass wasting, debris flows, rock falls, and differential settlement. (Ord. 2517 § 1 (Exh. A (part)), 2008)

RESPONSE: There are some areas in the riparian corridor that exceed 15% slope. The geotechnical engineer has reviewed the site, and has provided maps and discussion of slope conditions on and adjacent to the project site. See Geotechnical Report, Appendix G.

16.59.030 Classification of Geologically Hazardous Areas

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

- A. Known or Suspected Risk. Documentation of projection of the hazard by a qualified professional exists.*
- B. Risk Unknown. Documentation, or projection of the lack of hazard, by a qualified professional exists, or data is not available to determine the presence or absence of a geologic hazard. (Ord. 2517 § 1 (Exh. A (part)), 2008)*

RESPONSE: Geologic hazard areas have been reviewed and identified. See Geotechnical Report, Appendix G.

16.59.040 Mapping of Geologically Hazardous Areas

A. The approximate location and extent of geologically hazardous areas are shown on the adopted critical area maps as revised or superseded. The adopted critical area maps may include:

- 1. U.S. Geological Survey landslide hazard and seismic hazard maps;*
- 2. Department of Natural Resources seismic hazard maps for western Washington;*
- 3. Department of Natural Resources slope stability maps;*
- 4. Federal Emergency Management Administration flood insurance maps; and*
- 5. Locally adopted maps.*

B. These maps are to be used as a guide for the city, project applicants, and/or property owners, and may be continuously updated as new critical areas are identified. They are a reference and do not provide a final critical area designation. (Ord. 2517 § 1 (Exh. A (part)), 2008)

RESPONSE: Existing maps of geologically hazardous areas have been reviewed, and site-specific maps and descriptions have been included in the Geotechnical report. See Appendix G.

16.59.050 Activities Allowed in Geologically Hazardous Areas

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

- A. Construction of new buildings with less than two thousand five hundred square feet of floor area or roof area, whichever is greater, and which are not residential structures or used as places of employment or public assembly;*
- B. Additions to the ground floor of existing single-family residences that are two hundred fifty square feet or less; and*
- C. Installation of fences. (Ord. 2517 § 1 (Exh. A (part)), 2008)*

RESPONSE: Project development will impact a small area designated as Severe Erosion Hazard. This area is less than 5% slope and does not adversely impact or pose a threat to adjacent properties or critical areas.

Stormwater facilities including an underground facility and pipes will be placed in areas exceeding 15% slope. A mitigation plan and geotechnical review will be provided for these areas.

16.59.060 Critical Area Report Requirements for Geologically Hazardous Areas

A. *Prepared by a Qualified Professional. A critical areas report for a geologically hazardous area shall be prepared by a qualified professional who is either a civil engineer with a geotechnical background, or a geologist, licensed in the state of Washington, with experience analyzing geologic, and where applicable, hydrologic and ground water flow systems.*

B. *Area Addressed in Critical Area Report. The project area of the proposed activity shall be addressed in a critical area report for geologically hazardous areas.*

C. *Geotechnical Evaluation and Assessment. Except as provided for in subsections D and E of this section, a critical area report for geologically hazardous areas shall first contain a site evaluation and, if required, an assessment of geological hazards.*

1. *Site Evaluation. A site evaluation shall include:*

a. *Identification of the geologically hazardous area including the type and extent of the geological hazard, and the reason the area is or is not likely to be impacted by the proposed development plan.*

b. *A description of the project including, where applicable:*

i. *Proposed structures;*

ii. *Proposed grading;*

iii. *Areas proposed for storage of materials;*

iv. *Proposed storm drainage areas;*

v. *Related project impacts which have a potential to adversely affect the geological hazard; and*

vi. *If available for the proposed activity, a site development plan may be included to illustrate proposed project impacts. The development plan when provided will show the geological hazard area, proposed site improvements, two-foot contours, proposed storm water treatment facilities, proposed or known existing septic drain fields, proposed stockpile areas, or proposed areas of mass grading.*

c. *Identification of proportionate and appropriate mitigation measures and a description of how they will adequately protect the proposed development, adjacent developments, and the subject geologically hazardous area.*

d. *A recommendation based on the proposed site activities of the level of study, construction monitoring, or site design changes which may be needed during the final design process.*

2. *Geotechnical Assessment. If recommended by the site evaluation, or determined necessary by the city, a geotechnical assessment for geologically hazardous areas shall include the following site- and proposal-related information at a minimum:*

a. *Site Plans. The report shall include a copy of the site plans for the proposal showing:*

i. *The type and extent of geologic hazard areas, and any other critical areas, and management zones on, adjacent to, within three hundred feet of, or that are likely to impact the proposal;*

- ii. *Proposed development, including the location of existing and proposed structures, fill, storage of materials, and storm drainage facilities, with dimensions indicating distances to hazard areas; and*
- iii. *The topography, in two-foot contours, of the project area and all hazard areas addressed in the report.*

3. *Assessment of Geological Characteristics. The report shall include an assessment of the geologic characteristics and engineering properties of the soils, sediments, and/or rock of the project area and potentially affected adjacent properties, and a review of the site history regarding landslides, erosion and prior grading. Soils analysis shall be accomplished in accordance with accepted taxonomic classification systems in use in the region.*

The assessment shall include, but not be limited to:

- a. *A description of the surface and subsurface geology, hydrology, soils, and vegetation found in the project area, and in generally all hazard areas addressed in the report;*
- b. *A detailed overview of the field investigations, published data, and references; data and conclusions from past assessments of the site; and site specific measurements, test, investigations, or studies that support the identification of geologically hazardous areas; and*
- c. *A description of the vulnerability of the site to seismic and other geologic events.*

4. *Analysis of Proposal. The report shall contain a geotechnical analysis, including a detailed description of the project, its relationship to the geologic hazard(s), and its potential impact upon the hazard area, the subject property, and affected adjacent properties.*

5. *Summary and Recommendation. The report shall make a recommendation for the minimum no disturbance management zone, or minimum building setback from any geologic hazard, or other appropriate mitigation measures based upon the geotechnical analysis.*

D. *Incorporation or Acceptance of Previous Study. Where a valid geotechnical report has been prepared within the last five years for a specific site, and where the proposed land use activity and surrounding site conditions are unchanged, such report may be incorporated into or accepted as the required critical area report. The applicant shall submit a geotechnical assessment detailing any changed environmental conditions associated with the site.*

E. *Where the applicant can demonstrate that the proposed project or activity has no direct impact on the identified geologically hazardous area, or that the site evaluation requirements above are not applicable to the proposed project or activity, the city may not require additional site assessment work or may limit the scoping of the site evaluation based on identified site specific geologic hazards.*

F. *Mitigation of Long-Term Impacts. When hazard mitigation is required the mitigation plan shall specifically address how the activity maintains or reduces the pre-existing level of risk to the site and adjacent properties on a long-term basis (equal to or exceeding the projected lifespan of the activity or occupation). Proposed mitigation techniques shall be considered to provide long-term hazard reduction only if they do not require regular maintenance or other actions to maintain their function. Mitigation may also be required to avoid any increase in risk above the pre-existing conditions following abandonment of the activity. (Ord. 2517 § 1 (Exh. A (part)), 2008)*

RESPONSE: The applicant is submitting a Geotechnical report that addresses the requirements in this code section. The report includes site evaluation, geotechnical assessment, assessment of geological characteristics, analysis of proposal, and summary and recommendations. The geotechnical engineer provides recommendations for a setback from hazard areas, and the setback line is shown on the Preliminary Plat. The geotechnical

engineer also provides specific recommendations for site and housing construction. See Appendix G.

16.59.070 Critical Area Report Requirements for Specific Hazards

A. Erosion and Landslide Hazard Areas. In addition to the basic geological hazard area report requirements, a report for an erosion hazard or landslide hazard area shall include the following information at a minimum:

- 1. Site Plan. The report shall include a copy of the site plan for the proposal showing:
 - a. The height of slope, slope gradient, and cross section of the project area,*
 - b. The location of springs, seeps, or other surface expressions of ground water on or within three hundred feet of the project area, or that have potential to be affected by the proposal, and*
 - c. The location and description of surface water runoff;**
- 2. Geotechnical Analysis. The geotechnical analysis shall specifically include:
 - a. A description of the extent and type of vegetative cover,*
 - b. An estimate of load capacity, including surface and ground water conditions, public and private sewage disposal systems, fills and excavations, and all structural development,*
 - c. An estimate of slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure,*
 - d. An estimate of the bluff retreat rate that recognizes and reflects potential catastrophic events such as seismic activity or a one hundred year storm event,*
 - e. Consideration of the run-out hazard of landslide debris and/or the impacts of landslide run-out on down slope properties,*
 - f. A study of slope stability, including an analysis of proposed angles of cut and fill, and site grading,*
 - g. Recommendations for building limitations, structural foundations, and an estimate of foundation settlement, and*
 - h. An analysis of proposed surface and subsurface drainage, and the vulnerability of the site to erosion;**

RESPONSE: The applicant is submitting a Geotechnical report that provides review of existing hazards and slope stability, and recommendations for foundations and construction. See Appendix G.

3. Erosion and Sediment Control Plan. For any development proposal on a site containing an erosion hazard area, an erosion and sediment control plan shall be required. The erosion and sediment control plan shall be prepared in compliance with requirements set forth in CMC Chapter 15.32, CMC Chapter 17.21 and the city of Camas Design Standard Manual;

RESPONSE: The applicant is submitting erosion and sediment control specifications that address the requirements in this code section. See Grading Plan.

4. Drainage Plan. The report shall include a drainage plan for the collection, transport, treatment, discharge, and/or recycle of water prepared in accordance with CMC Chapter 17.21 and the city of Camas Design Standard Manual;

RESPONSE: The applicant is submitting a stormwater report and plan that addresses the requirements in this code section. See Stormwater Report, Appendix L, and Stormwater Plan.

5. *Mitigation Plans. Hazard and environmental mitigation plans for erosion and landslide hazard areas shall include the location and methods of drainage, surface water management, locations and methods of erosion control, a vegetation management and/or replanting plan, and/or other means for maintaining long-term soil stability;*

RESPONSE: Project development will impact a small area designated as Severe Erosion Hazard. This area is less than 5% slope and does not adversely impact or pose a threat to adjacent properties or critical areas.

Stormwater facilities including an underground facility and pipes will be placed in areas exceeding 15% slope. A mitigation plan and geotechnical review will be provided for these areas.

6. *Monitoring Surface Waters. If the city determines that there is a significant risk of damage to downstream waters due to potential erosion from the site, based on the size of the project, the proximity to the receiving waters, or the sensitivity of the receiving waters, the critical area report shall include a plan to monitor the surface water discharge from the site. The monitoring plan shall include a recommended schedule for submitting monitoring reports to the city.*

RESPONSE: The applicant will provide for short and long term erosion control until the project development is stabilized. The applicant is submitting erosion and sediment control specifications - see Grading Plan.

B. *Seismic Hazard Areas. In addition to the basic report requirements, a critical area report for a seismic hazard area shall also meet the following requirements:*

1. *The site map shall show all known and mapped faults within three hundred feet of the project area, or that have potential to be affected by the proposal.*
2. *The geotechnical analysis shall include a complete discussion of the potential impacts of seismic activity on the site (for example, forces generated and fault displacement).*

RESPONSE: No seismic hazards have been identified on or near the project site. Refer to seismic design recommendations in the Geotechnical Report, Appendix G.

C. *Other Geologically Hazardous Areas. In addition to the basic report requirements, the city may require additional information to be included in the critical area report when determined to be necessary to review the proposed activity and the subject hazard. Additional information that may be required, includes, but is not limited to:*

1. *Site Plan. The site plan shall show all known hazard areas located within three hundred feet of the project area, or that have potential to be affected by the proposal; and*
2. *Geotechnical Analysis. The geotechnical analysis shall include a complete discussion of the potential impacts of the hazard on the project area and of the proposal on the hazard. (Ord. 2517 § 1 (Exh. A (part)), 2008)*

RESPONSE: The applicant is submitting a Geotechnical report that addresses the requirements in this code section. See Appendix G.

16.59.080 Performance Standards – General Requirements

Alterations of geologically hazardous areas or associated management zones may only occur for activities that will not adversely impact or pose a threat to adjacent properties or critical areas, and are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than pre-development conditions. (Ord. 2517 § 1 (Exh. A (part)), 2008)

RESPONSE: Project development will impact a small area designated as Severe Erosion Hazard. This area is less than 5% slope and does not adversely impact or pose a threat to adjacent properties or critical areas.

Stormwater facilities including an underground facility and pipes will be placed in areas exceeding 15% slope. A mitigation plan and geotechnical review will be provided for these areas.

16.59.080 Performance Standards – Specific Hazards

A. Erosion and Landslide Hazard Areas. Activities on sites containing erosion or landslide hazards shall meet the following requirements:

1. Management Zone Required. A management zone shall be established from all edges of erosion or landslide hazard areas. The size of the management zone shall be determined by the city to eliminate or minimize the risk of property damage, death, or injury resulting from erosion and landslides caused in whole or part by the development, based upon review of and concurrence with a critical area report prepared by a qualified professional.

a. Management Zone Established. A management zone shall be established from the edges of areas characterized by steep slopes, potentially unstable soils, erosion potential, or seismic activity. The management zone will be established by a qualified professional and shall adequately protect the proposed development, adjacent developments, and subject critical area. The management zone shall generally be equal to the height of the slope, or fifty feet, whichever is greater. A management zone less than fifty feet may be established if a qualified professional determines that such reduction will adequately protect the proposed development, adjacent developments, and subject critical area.

b. Increased Management Zone. The management zone may be increased where the city determines a larger management zone is necessary to prevent risk of damage to proposed and existing development(s);

RESPONSE: According to the Geotechnical Engineer, no buildings are proposed within the Areas of Potential Instability. Six lots are partially located within the Severe Erosion Hazard zone. A proposed buffer/setback line (solid red line), based on an initial line of 50', has been considered that ranges between 25 and 45 feet from the Areas of Potential Instability zone. The buffer/setback line is shown on the Preliminary Plat. See Geotechnical report, Appendix G.

2. Design Standards. Development under this section shall be designed to meet the following basic requirements. The requirement for long-term slope stability shall exclude designs that require periodic maintenance or other actions to maintain their level of function. The basic development design standards are:

a. The proposed development shall not decrease the factor of safety for landslide occurrences below the limits of 1.5 for static conditions, and 1.2 for dynamic conditions. Analysis of dynamic conditions shall

be based on a minimum horizontal acceleration as established by the current version of the International Building Code,

- b. Structures and improvements shall be clustered to avoid geologically hazardous areas and other critical areas,*
- c. Structures and improvements should minimize alterations to the natural contour of the slope, and foundations shall be tiered where possible to conform to existing topography,*
- d. Structures and improvements shall be located to preserve the most critical portion of the site and its natural landforms and vegetation,*
- e. The proposed development shall not result in greater risk or a need for increased management zones on neighboring properties,*
- f. The use of retaining walls that allow the maintenance of existing natural slope area is preferred over graded artificial slopes, and*
- g. Development shall be designed to minimize impervious lot coverage;*

RESPONSE: Proposed structures have been clustered away from geologically hazardous and other critical areas. Foundations will be tiered and retaining walls used where possible to minimize alterations to the topography. The proposed development does not result in a greater risk or a need for increased management zones on neighboring properties.

3. Vegetation Removal. Within a geologically hazardous area and related management zone, removal of vegetation shall be limited to the following:

- a. Selective vegetation removal as provided under CMC Section 16.51.130, or*
- b. The city may authorize, as part of a critical area review, vegetation removal that has been determined to have no greater adverse impact on the geologically hazardous area, and is not necessary for mitigating any other impact under this code. The determination of no greater adverse impact will take into consideration a vegetation removal plan prepared by a certified landscape architect or arborist, and reviewed by a geotechnical engineer;*

RESPONSE: No impacts are proposed in the proposed geological management zone. The applicant is proposing small impacts to areas within riparian and offsite wetland buffers – see Mitigation report, Appendix I, for purposes of stormwater line, lot and trail creation.

4. Seasonal Restriction. Clearing and grading under a city permit shall be allowed only from May 1st to October 1st of each year, provided that the city may extend or shorten the dry season on a case-by-case basis depending on actual weather conditions;

RESPONSE: Clearing and grading activities will comply with seasonal restrictions as determined during City engineering and construction review.

5. Utility Lines and Pipes. Utility lines and pipes shall be permitted in erosion and landslide hazard areas only when the applicant demonstrates that no other practical alternative is likely. The line or pipe shall be appropriately located and designed so that it will continue to function in the event of an underlying failure;

RESPONSE: Stormwater pipes are proposed in areas of 15% slope, and will be reviewed by a geotechnical engineer.

6. Point Discharges. Point discharges from surface water facilities and roof drains onto or upstream from an erosion or landslide hazard area shall be prohibited except as follows:

- a. Conveyed via continuous storm pipe downslope to a point where there are no erosion hazards areas downstream from the discharge,
- b. Discharged at flow durations matching predeveloped conditions, with adequate energy dissipation, into existing channels that previously conveyed stormwater runoff in the predeveloped state, or
- c. Dispersed discharge upslope of the steep slope onto a low-gradient undisturbed management zone demonstrated to be adequate to infiltrate all surface and stormwater runoff;

RESPONSE: The applicant is proposing stormwater discharge at predevelopment rates to a low point below where there are no erosion hazards downstream from the discharge. Refer to Stormwater plan and report.

- 7. Roads and utilities (see subsection (A)(5) of this section) may be permitted within a geologic hazard area or management zone if the city determines that no other reasonable alternative exists which could avoid or minimize impacts to a greater extent.

RESPONSE: A portion of road is proposed in a Severe Erosion Hazard area of less than 5% slope. The location of the road is necessary to provide access for both on- and off-site properties. The road will not adversely impact adjacent properties or critical areas. Stormwater lines are proposed in areas of 15% slope. These areas will be reviewed by a geotechnical engineer.

- B. Seismic Hazard Areas. Activities proposed to be located in seismic hazard areas shall meet the standards of CMC Section 16.59.080.

RESPONSE: There are no seismic hazard areas on the project site.

- C. Other Hazard Areas. Activities on sites containing or adjacent to geologically hazardous areas, shall meet the standards of CMC Section 16.59.080. (Ord. 2517 § 1 (Exh. A (part)), 2008)

RESPONSE: Project development will impact a small area designated as Severe Erosion Hazard. This area is less than 5% slope. The applicant is submitting a Geotechnical report that provides construction recommendations - see Appendix G. The geotechnical report includes establishment of a buffer setback from steep slope areas. Stormwater facilities including an underground facility and pipes will be placed in areas exceeding 15% slope. A mitigation plan and geotechnical review will be provided for these areas.

FISH AND WILDLIFE HABITAT CONSERVATION AREAS- (CMC 16.61)

16.61.010 Designation of fish and wildlife habitat conservation areas

- A. Fish and wildlife habitat conservation areas include:

- 1. Areas with Which State or Federally Designated Endangered, Threatened, and Sensitive Species Have a Primary Association. The presence or absence of such species shall be determined by the field studies required by this section. Lists, categories and definitions of species promulgated by National Marine Fisheries Service (NMFS) and Washington Department of Fish and Wildlife (WDFW) are provided to the city to be used for guidance only.

RESPONSE: No state or federally designated endangered, threatened and/or sensitive species or their habitats were observed within the study area during the on-site visit. A review of resource agency maps does not indicate that species with these designations have previously been identified on or near the property (see Fish and Wildlife report, Appendix J.

2. *State Priority Habitats and Areas Associated with State Priority Species.* Priority habitats and species are considered to be priorities for conservation and management. Priority species require protective measures for their perpetuation due to their population status, sensitivity to habitat alteration, and/or recreational, commercial, or tribal importance. Priority habitats are those habitat types or elements with unique or significant value to a diverse assemblage of species. A priority habitat may consist of a unique vegetation type or dominant plant species, a described successional stage, or a specific structural element. Priority habitats and species are identified by the state Department of Fish and Wildlife.

RESPONSE: The WDFW Priority Habitats and Species maps were reviewed to determine the likelihood of priority habitats and species within the study site. The Clark County Habitat and Species maps were also reviewed to determine if any priority habitats or priority species are known to occur with the study area. The review identified riparian habitat area associated with Deer Creek along the north edge of the study area, and Oregon white oak woodland habitat area on the southeast edge of the study site associated with the mature forest in that area. See Habitat report, Appendix L.

3. *Habitats of local importance as identified by the city's parks and open space plan as natural open space, or as listed below:*

a. *Oregon White Oaks.*

i. *Individual Oregon White Oak trees with a twenty-inch diameter at breast height (twenty inches dbh).*

ii. *Stands of Oregon White Oak trees greater than one acre, when they are found to be valuable to fish and wildlife (i.e., may include trees with cavities, large diameter breast height (twelve inches dbh), are used by priority species, or have a large canopy.*

iii. *All Oregon White Oak snags unless determined by an arborist to be a hazard.*

b. *Camas Lily.* To the extent practicable, Camas lily fields of a significant concentration (one-fourth acre) shall be preserved. If impacts or removal of significant concentrations of Camas lily are proposed, the proposal must include an evidence that the exploration of development options has included:

i. *Maintaining Camas lily concentrations as they currently exist on site; and*

ii. *The option of transplanting Camas lily concentrations to other portions of the property. The proposal may be approved as proposed provided a finding is made based upon evidence that subsection (A)(3)(b)(i) and this subsection have been explored, that it is not possible to maintain significant concentrations of Camas lily on-site.*

RESPONSE: Oregon white oak and Camas lily were not observed within the study area.

4. *Naturally Occurring Ponds Under Twenty Acres.* Naturally occurring ponds are those ponds under twenty acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds. Naturally occurring ponds do not include ponds deliberately designed and created from dry sites, such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds, and landscape amenities, unless such artificial ponds were intentionally created for mitigation.

RESPONSE: No naturally occurring ponds were observed in the study area.

5. *Waters of the State. Waters of the state includes lakes, rivers, ponds, streams, inland waters, underground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington, as classified in WAC 222-16-031, or its successor. This does not include man-made ditches or bio-swales that have been created from areas not meeting the definition of waters of the state. Furthermore, wetlands designation and protection are regulated under CMC [Chapter 16.53](#)*

RESPONSE: The DNR map identifies Deer Creek along the northern portion of the property as a Type F stream. Deer Creek originates at the outfall of Haig Lake and terminates at the Columbia River. The creek enters the northeast corner of the study area from a culvert under McIntosh Road. The portion of the stream in the study area has an average width of 4-6 feet and an average depth of approximately 6-12 inches during the wet season. Substrate composition is dominated by mixed sizes of cobble, a few boulders, and bedrock. According to CMC 16.61.040 (D) the riparian buffer for Type F streams that do not support anadromous fish is 75 feet.

Three seasonal, non-fish bearing streams (Type Ns) occur in the northeast corner of the study area. These streams have a riparian buffer width of 25 feet according to CMC 16.61.040(D). See Habitat report, Appendix J.

6. *Bodies of water planted with game fish by a governmental or tribal entity.*

RESPONSE: No bodies of water planted with game fish were observed in the study area.

7. *State Natural Area Preserves and Natural Resource Conservation Areas. Natural area preserves and natural resource conservation areas are defined, established, and managed by the State Department of Natural Resources.*

RESPONSE: No State Natural Area Preserves or Natural Resource Conservation Areas were observed in the study area.

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

RESPONSE: The applicant has provided a Fish and Wildlife Habitat Conservation Areas report (Appendix J), a Wetland Delineation Report (Appendix H), Mitigation reports (Appendix I) and a Geotechnical Report (Appendix G) that outline review of all potential and existing critical areas on the project site.

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

These maps are to be used as a guide for the city of Camas, project applicants, and/or property owners, and should be continuously updated as new critical areas are identified. They are a reference and do not provide a final critical area designation. (Ord. 2517 § 1 (Exh. A (part)), 2008)

16.61.020 Critical area report—Requirements for habitat conservation areas.

A. Prepared by a Qualified Professional. A critical areas report for a habitat conservation area shall be prepared by a qualified professional who is a biologist with experience preparing reports for the relevant type of habitat.

B. Areas Addressed in Critical Area Report. The following areas shall be addressed in a critical area report for habitat conservation areas:

- 1. Within a subject parcel or parcels, the project area of the proposed activity;*
- 2. All wetlands and recommended buffer zones within three hundred feet of the project area within the subject parcel or parcels;*
- 3. All shoreline areas, water features, floodplains, and other critical areas, and related buffers within three hundred feet of the project area of the subject parcel or parcels; and*
- 4. The project design and the applicability of the buffers based on the proposed layout and the level of land use intensity.*

C. Habitat Assessment. A habitat assessment is an investigation of the project area to evaluate the presence or absence of a potential critical fish or wildlife species or habitat. A critical area report for a habitat conservation area shall contain an assessment of habitats, including the following site- and proposal-related information at a minimum:

- 1. Detailed description of vegetation on and adjacent to the project area;*
- 2. Identification of any species of local importance, priority species, or endangered, threatened, sensitive, or candidate species that have a primary association with habitat on or adjacent to the project area, and assessment of potential project impacts to the use of the site by the species;*
- 3. A discussion of any federal, state, or local special management recommendations, including Department of Fish and Wildlife habitat management recommendations, that have been developed for species or habitats located on or adjacent to the project area;*
- 4. A discussion of measures, including avoidance, minimization, and mitigation, proposed to preserve existing habitats and restore any habitat that was degraded prior to the current proposed land use activity, and to be conducted in accordance with mitigation sequencing (Section 16.51.170); and*
- 5. A discussion of ongoing management practices that will protect habitat after the project site has been developed, including proposed monitoring and maintenance programs.*

D. Additional Information May be Required. When appropriate due to the type of habitat or species present or the project area conditions, the city may also require the habitat management plan to include:

- 1. An evaluation by the Department of Fish and Wildlife or qualified expert regarding the applicant's analysis and the effectiveness of any proposed mitigating measures or programs, to include any recommendations as appropriate;*
- 2. An evaluation by the local Native American Indian Tribe; and*
- 3. Detailed surface and subsurface hydrologic features both on and adjacent to the site. (Ord. 2517 § 1 (Exh. A (part)), 2008)*

RESPONSE: The applicant has provided a Habitat Conservation report and mitigation plan for impacts to habitat conservation area buffers (see Appendices I and J).

16.61.030 Performance standards—General requirements.

A. Mitigation Standards.**1. Applicants proposing activities subject to this chapter shall demonstrate that the activity:**

a. Substantially maintains the level of habitat functions and values as characterized and documented using best available science; and

b. Minimizes habitat disruption or alteration beyond the extent required to undertake the proposal.

2. If it is determined that habitat designated under this chapter will incur a net loss in functions and values, all losses shall be mitigated on-site as a first priority, and off-site thereafter.

a. Where on-site mitigation that could adequately address the loss is infeasible, the applicant shall consult with a qualified habitat restoration specialist, the city, and the Washington State Department of Fish and Wildlife regarding off-site mitigation. Mitigation shall prioritize the preservation and restoration of Lower Washougal River instream and riparian habitat, and should be guided by the Washougal River Subbasin chapter of the Lower Columbia Salmon Recovery Plan.

b. If on-site mitigation is infeasible, payment may be accepted in lieu of an off-site mitigation project. At a minimum, such payment shall be equivalent to the cost of implementing an acceptable off-site project, as estimated by a qualified professional approved by the city, in consultation with the Washington State Department of Fish and Wildlife. The city shall use these funds for habitat improvements it believes are in the best interest of the city and provide a greater ecological benefit than the alternative off-site project. Habitat improvements under this section are subject to the following criteria:

i. Fees will be used to fund a clearly defined mitigation project;

ii. The project being funded will result in an increase in function that adequately compensates for the permitted impacts;

iii. Preference is given to projects within the same drainage basin as the impact, if they can provide similar functional improvements;

iv. There is a clear timeline for completing the mitigation project; and

v. There are provisions for long-term protection and management, including mechanisms such as conservation easements, and funding for long-term monitoring and maintenance of the site.

3. Alternate Mitigation.**a. Habitat Mitigation Banking.**

i. Construction, enhancement, or restoration of habitat to use as mitigation for future habitat development impacts is permitted subject to the following:

(A) A critical area permit shall be obtained prior to any mitigation banking. If a habitat permit is not obtained prior to mitigation bank construction, mitigation credit shall not be awarded. On projects proposing off-site habitat banking in addition to required habitat mitigation, a separate habitat permit shall be required for each activity;

(B) Federal and state habitat regulations, if applicable, may supersede city requirements.

ii. The mitigation credit allowed will be determined by the city, based on the habitat category, condition, and mitigation ratios as specified in this chapter. Prior to granting mitigation banking credit, all habitat mitigation banking areas must comply with the applicable sections of this chapter and Chapter 16.51.

iii. *On projects proposing off-site habitat banking in addition to required habitat mitigation, a separate permit fee will be required for each activity.*

iv. *Purchase of banked habitat credits is permitted to mitigate for habitat impacts in the same watershed, provided the applicant has minimized habitat impacts, where reasonably possible, and the following requirements are met:*

(A) Documentation, in a form approved by the city, adequate to verify the transfer of habitat credit shall be submitted; and

(B) A plat note, along with information on the title, shall be recorded in a form approved by the city as adequate to give notice of the requirements of this section being met by the purchase of banked habitat credits.

4. *Subject to individual circumstances, potential mitigation measures may include, but are not limited to, the following:*

a. *Establishment of buffers;*

b. *Requirement of a performance bond, when necessary, to ensure completion and success of the proposed mitigation;*

c. *Avoiding the impact all together by not taking a certain action or parts of an action;*

d. *Exploring alternative on-site locations to avoid or reduce impacts of activities;*

e. *Preserving important vegetation and natural habitat features by establishing buffers, or by limiting clearing or alteration;*

f. *Replacing invasive exotic plants with native species (refer to the Clark County Native Plant Communities Guide or other relevant publications for guidance);*

g. *Prohibiting introduction of invasive plant species in habitat areas;*

h. *Enhancing, restoring, or replacing vegetation or other habitat features and functions;*

i. *Using native plants where appropriate when planting within habitat areas (refer to the Clark County Native Plant Communities Guide or other relevant publications for guidance);*

j. *Managing access to habitat areas, including exclusionary fencing for livestock, if needed;*

k. *Using existing stream crossings whenever a review of suitability, capacity, access and location, habitat impacts of alternatives, maintenance, liability, and economics indicate the existing crossing is feasible;*

l. *Constructing new stream crossings, when necessary, in conformance to the water crossing structure standards in WAC 220-110-070 (Hydraulic Code Rules), which are incorporated by reference;*

m. *Seasonally restricting construction activities;*

n. *Implementing best management practices and integrated management practices;*

o. *Monitoring or review of impacts and assurance of stabilization of the area;*

p. *Establishing performance measures or bonding;*

q. *Establishing conservation covenants and other mechanisms to ensure long-term preservation or maintenance of mitigation actions;*

r. *Utilizing low-impact development techniques;*

s. *Promoting water quality by limiting the use of lawn and garden chemicals in habitat areas; and/or*

t. *Avoiding topsoil removal and minimizing topsoil compaction.*

B. Nonindigenous Species Shall not be Introduced Via Mitigation. No plant, wildlife, or fish species not indigenous to the region shall be introduced, via mitigation, into a habitat conservation area.

C. Mitigation Should Result in Contiguous Corridors. In accordance with a mitigation plan, mitigation sites should preferably be located by the following and in priority order:

- 1. On-site and contiguous to wildlife habitat corridors; or*
- 2. Off-site that is adjacent to the subject site and contiguous to wildlife habitat corridors; or*
- 3. Mitigation within the natural open space network, as identified in the comprehensive parks and open space plan, may be allowed for off-site mitigation or in place of on-site mitigation, where development and mitigation will result in an isolating effect on the habitat.*

D. Approvals of Activities may be Conditioned. The city shall condition approvals of activities allowed within or adjacent to a habitat conservation area or its buffers, as necessary to minimize or mitigate any potential adverse impacts. Conditions may include, but are not limited to:

- 1. Establishment of buffers;*
- 2. Preservation of critically important vegetation;*
- 3. Limitation of access to the habitat area, including fencing to deter unauthorized access;*
- 4. Seasonal restriction of construction activities;*
- 5. Establishment of a duration and timetable for periodic review of mitigation activities; and*
- 6. Requirement of a performance bond, when necessary, to ensure completion and success of proposed mitigation.*

E. Buffers.

1. Establishment of Buffers. The director shall require the establishment of buffer areas for activities in, or adjacent to, habitat conservation areas when needed to protect habitat conservation areas. Buffers shall consist of an undisturbed area of native vegetation, or areas identified for restoration, established to protect the integrity, functions, and values of the affected habitat. Required buffer widths shall reflect the sensitivity of the habitat and the type and intensity of human activity proposed to be conducted nearby, and should be consistent with the management recommendations issued by the State Department of Fish and Wildlife.

2. Seasonal Restrictions. When a species is more susceptible to adverse impacts during specific periods of the year, seasonal restrictions may apply. Larger buffers may be required and activities may be further restricted during the specified season.

3. Habitat Buffer Averaging. The director may allow the recommended habitat area buffer width to be averaged in accordance with a critical area report, only if:

- a. It will not reduce stream or habitat functions;*
- b. It will not adversely affect salmonid habitat;*
- c. It will provide additional natural resource protection, such as buffer enhancement;*
- d. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer;*
- e. The buffer area width is not reduced by more than fifty percent in any location; and*
- f. The buffer area width is not less than twenty-five feet.*

F. Mitigation Plan Requirements. When mitigation is required, the applicant shall submit a mitigation plan as part of the critical areas report. The mitigation plan shall include:

1. *Detailed Construction Plans.* The mitigation plan shall include descriptions of the mitigation proposed, such as:

- a. *The proposed construction sequence, timing, and duration;*
- b. *Grading and excavation details;*
- c. *Erosion and sediment control features;*
- d. *A planting plan specifying plant species, quantities, locations, size, spacing, and density; and*
- e. *Measures to protect and maintain plants until established.*

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

2. *Monitoring Program.* The mitigation plan shall include a program for monitoring construction of the mitigation project and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring, and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the mitigation project. The mitigation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five years.

The city shall notify the responsible party in writing once the conditions of the monitoring plan are met.

3. *Adaptive Management.* The mitigation plan shall include identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met. (Ord. 2517 § 1 (Exh. A (part)), 2008)

RESPONSE: The applicant has provided a Habitat Conservation report and mitigation plan for impacts to habitat conservation area buffers (see Appendices I and J).

16.61.040 Performance standards—Specific habitats.

A. Endangered, Threatened, and Sensitive Species.

1. *No development shall be allowed within a habitat conservation area or buffer with which state or federally listed endangered, threatened, or sensitive species have a documented presence.*

2. *Activities proposed adjacent to a habitat conservation area with which state or federally listed endangered, threatened, or sensitive species have a documented presence shall be protected through the application of protection measures in accordance with a critical area report prepared by a qualified professional and approved by the city of Camas. Approval for alteration of land adjacent to the habitat conservation area or its buffer shall include consultation with the Department of Fish and Wildlife and the appropriate federal agency.*

B. Anadromous Fish.

1. *All activities, uses, and alterations proposed to be located in water bodies used by anadromous fish or in areas that affect such water bodies shall give special consideration to the preservation and enhancement of anadromous fish habitat, including, but not limited to, adhering to the following standards:*

- a. *Activities shall be timed to occur only during the allowable work window as designated by the Department of Fish and Wildlife for the applicable species;*

- b. *An alternative alignment or location for the activity is not feasible;*
 - c. *The activity is designed so that it will not degrade the functions or values of the fish habitat or other critical areas; and*
 - d. *Any impacts to the functions or values of the habitat conservation area are mitigated in accordance with an approved critical area report.*
- 2. *Structures that prevent the migration of salmonids shall not be allowed in the portion of water bodies used by anadromous fish. Fish bypass facilities shall be provided that allow the upstream migration of adult fish, and shall prevent fry and juveniles migrating downstream from being trapped or harmed.*
 - 3. *Fills may only intrude into water bodies used by anadromous fish when 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

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

- 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'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 and Waters of the State. The following specific activities may be permitted within a stream buffer area, ponds and waters of the state, 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'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. (Ord. 2517 § 1 (Exh. A (part)), 2008) ([Ord. No. 17-002](#) , § I(Exh. A), 3-6-2017)*

RESPONSE: The applicant has provided a Habitat Conservation report and mitigation plan for impacts to habitat conservation area buffers (see Appendices I and J).

SENSITIVE AREAS AND OPEN SPACE- (CMC 18.31)

18.31.010 Purpose.

The guidelines, criteria, standards, special studies, and open space requirements in this chapter are intended to identify, protect, and preserve lands and areas within the city which are characterized by the presence of environmentally sensitive or valuable features and resources. These areas may include: steep slopes and areas of unstable soils, wetlands, streams, and watercourses. Certain activities, such as vegetation removal and the addition of impervious surfaces within these areas, unless regulated by the city, pose a potential threat to life, property, public health, and welfare. Unregulated activities also pose a significant threat to important environmental features and communities, and to the functions and values they perform. This chapter is also intended to implement the goals and policies of the comprehensive plan; to protect critical areas within the city as required by state policies, guidelines, and rules; to provide property owners and members of the public with notice as to the location and distribution of sensitive areas within the city; and to require special studies to help identify environmentally sensitive and valuable areas within the city. Such plans and studies shall be prepared by qualified professionals. (Ord. 2515 § 1 (Exh. A (part)), 2008)

18.31.020 Scope

Land proposals below are subject to the criteria, guidelines, conditions, performance standards and procedural requirements contained in this chapter:

- A. Rezone;*
- B. Conditional use permit;*
- C. Variance;*
- D. Shoreline substantial development permit;*
- E. Planned development;*
- F. Subdivision;*
- G. Short subdivision;*
- H. Commercial development;*
- I. Business park development;*
- J. Any grading, filling or clearing of land or logging or removal of timber on land characterized by or adjacent to (within three hundred feet of) an environmentally sensitive area; or*
- K. Open space designation standards and requirements shall apply to any application proposals involving a subdivision or planned development.*
- L. The standards and requirements of this chapter shall apply in addition to any other regulations of the city applicable to the underlying zone. In case of any conflict between these and any other regulation(s), the stricter regulations(s) shall apply. (Ord. 2515 § 1 (Exh. A (part)), 2008)*

RESPONSE: The site is within 300 feet of streams, wetlands and steep slopes. The streams have been delineated and discussed in the Habitat study (see Appendix J). The wetlands have been delineated and discussed in the Wetland report (see Appendix H). The project development proposes some impacts to the riparian buffer and wetland buffer; these impacts are addressed in the Mitigation reports (see Appendix I). The slopes have been reviewed in the attached Geotechnical report (see Appendix G). Additional geotechnical review of the proposed detention facility and backyards in slope buffers is occurring.

18.31.030 Administration

The community development director shall determine, based on the city's sensitive area overlay maps, environmental information provided by the applicant, and field reconnaissance as necessary, whether a property for which development approval is requested contains the types of lands or areas subject to this chapter. If property for which development approval is requested does contain critical areas, as defined per CMC Section 16.51.070 Critical Areas Regulated, then a development application must be accompanied by relevant information pursuant to Title 16 Environment. The community development director may waive or modify the study and reporting requirements of this section if it is determined that the subject property does not contain such lands or areas. (Ord. 2515 § 1 (Exh. A (part)), 2008) ([Ord. No. 2691, § I\(Exh. A\), 1-21-2014](#))

18.31.080 Tree Retention

A. A tree survey, conducted by a qualified biologist, landscape architect, or arborist, shall be conducted for all lands proposed to be developed and listed under Section 18.31.020. A survey shall not be required for lands proposed to be retained as undeveloped open space.

RESPONSE: A tree survey has been conducted by a qualified biologist and is included as part of the application – see Existing Conditions Survey and Tree Plan. The tree survey identifies all trees on the site that are within the area of proposed development. See also Tree Report (Appendix K) and Tree Plan for proposed protection and removal of trees.

B. To the extent practical, existing healthy significant trees shall be retained. Preservation of groups of significant trees, rather than individual trees shall be preferred. All grading shall take place outside the drip line of those significant trees to be retained, except that the city engineer may approve grading within the drip line if it can be demonstrated that such grading can occur without damaging the tree or trees. (Ord. 2515 § 1 (Exh. A (part)), 2008) (Ord. No. 2612, § I(Exh. A), 2-7-2011)

RESPONSE: An arborist has reviewed the impact to trees within the proposed development area. See Tree Report (Appendix K) and Tree Plan.

The Tree Plan shows the trees that will be removed during project construction, and retained after project construction. The trees that are designated for removal will be removed for purposes of grading, lot creation, installation of utility and stormwater lines, and construction of access roads. Significant trees to remain will be protected during the construction process, and grading will occur outside of their drip lines unless approved by the arborist.

18.31.090 (A) Vegetation Removal in environmentally sensitive areas-Exceptions

- A. *Exceptions. This section shall not apply to:*
1. *Removal of vegetation outside of critical areas, in conservation areas, protected open space areas as shown on plats, or areas otherwise required to be protected;*
 2. *Removal of trees four inches or less in diameter, as measured at the base;*
 3. *Annual removal of vegetation from an area under one thousand square feet;*
 4. *Removal of dead, diseased, or dying vegetation and trees;*
 5. *Normal maintenance associated with residential properties, including mowing, rototilling, and pruning;*
 6. *Removal of nonnative invasive plant species, such as Himalayan blackberries and ivy;*
 7. *Removal of vegetation associated with land surveys and environmental surveys;*
 8. *Removal of vegetation related to the construction, installation, and maintenance of public utilities. (Ord. 2515 § 1 (Exh. A (part)), 2008) (Ord. No. 2612, § I(Exh. A), 2-7-2011; [Ord. No. 2691, § I\(Exh. A\), 1-21-2014](#))*

18.31.110 Mandatory Preservation

A. *As a condition of development approval for any development application set forth in [Section 18.31.020\(A\)](#) of this chapter, the applicant shall set aside and preserve all sensitive areas, except as otherwise permitted by this chapter. To insure that such areas are adequately protected, the applicant shall cause a protective mechanism acceptable to the city to be put in place.*

B. *For property zoned single-family residential or multifamily residential, the applicant shall receive a density transfer to the remainder parcel that is equal to the density lost due to the property set aside, except that the density transfer shall not exceed thirty percent of the allowable density for the entire development if it were not encumbered with sensitive lands. (Ord. 2515 § 1 (Exh. A (part)), 2008)*

RESPONSE: The applicant will protect the stream corridor by placing a conservation covenant over the riparian buffer area within the open space tract.

18.31.120 Negotiated preservation.

A. *The city and a landowner may negotiate an agreement whereby property is set aside and preserved with a protective mechanism. A negotiated preservation may be done incidental to a development proposal, or may be done independently of any development proposal.*

B. *To be eligible for a negotiated preservation, the property to be set aside must be:*

1. *Part of the open space network;*
2. *An open space connector identified in the parks, recreation, and open space comprehensive plan;*
3. *Land satisfying the open space criteria of Section 5.4 of the parks, recreation, and open space comprehensive plan; or*
4. *A park site identified in the parks, recreation, and open space comprehensive plan.*

C. *The city may, as part of any negotiated preservation, provide the landowner with:*

1. *Density transfer;*
2. *A density bonus;*
3. *A credit against park and open space impact fees;*
4. *Cash from the parks and open space impact fee fund or the general fund; or*
5. *Any combination of the above.*

(Ord. 2515 § 1 (Exh. A (part)), 2008) (Ord. No. 2612, § I(Exh. A), 2-7-2011)

RESPONSE: No additional preservation is proposed.

IX. FIRE PREVENTION

Life Safety Residential automatic fire sprinkler systems will be designed and installed in all new homes within the project. Water line sizing will be coordinated with fire sprinkler contractor to ensure correct sizing. Fire hydrants will be provided in accordance with Fire Department standards. Gate keys and codes will be provided for emergency access. Wildland urban interface measures will be taken as described in the next section.

WILDLAND URBAN INTERFACE

Wildland urban interfaces occur where urban development is intermixed and interfaces with the wilderness. The project is proposed in an area where housing development will be near forested, sloped areas. The proposed housing will not be intermixed within forested areas; rather it will be clustered away from forested areas, allowing for a 50' clear area separation where possible between structures and forest tree groups. NFPA 1144, Standard for Reducing Structure Ignition Hazards from Wildland Fire, as amended, can be used in reviewing any structures proposed within 30' of sloped, forested areas. Non-combustible exterior surfaces including decking materials will be considered. Landscape materials and vegetation, along with defensible spaces around structures, will be considered to help reduce the risk of fire spreading with the structure from outside events.

Development and construction will be designed, located and constructed to minimize the possibility of wildland fires involving structures and structural fires involving wildlands. The proposed new housing will be separated from sloped, forested areas by offsite lots to the west, stormwater facility area to the north, and open field to the east. Houses near the northern riparian corridor will be separated from forested tree groups by fields and/or trail easement. Houses along the south boundary of the project area will be separated from forested areas by at least 50' of open field and a required geotechnical setback.

The project will provide the required number of access routes for the number of homes proposed – one access route for 100 homes or less (per NFPA 1141). Newly constructed access roads will be provided with approved turnarounds at intervals not to exceed one thousand (1,000) feet. Approved turnarounds may include cul-de-sacs or circles of at least ninety (90) feet in diameter, which may include the width of the roadway, intersecting fire apparatus access roads, or other arrangements which are approved by the fire marshal.
