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CLARK COUNTY
WASHINGTON

DEPARTMENT OF COMMUNITY DEVELOPMENT

Wetland and Habitat Review Program

TO: DEAB Members

FROM: Brent Davis, Wetland and Habitat Review Manager *BD*

DATE: March 25, 2021

SUBJECT: Wetland and Habitat Review Decision Vesting Timelines

This is a summary of the current and proposed vesting timelines for wetland and habitat review decisions.

A. A Note About Determinations.

Determinations are generally specific to the request that initiates them. In particular, determinations associated with residential building permits are generally limited to the scope of the plot plan and or stormwater plan, so even if a property has a valid determination from a previous development plan, a new or revised determination may be required to address revised or new plans.

B. Current Timelines

1. Decisions issued concurrently with a Land Use approval follow the timeline for the application that specifies the Application Type pursuant to Section 40.500.010.B or as stated in the Decision (Shoreline Decisions are issued under 40.460, not the CAO).
2. All other decisions will be subject to the following timelines:
 - a. Determinations are valid for:
 - (1) 3 years from the date of issuance. The responsible official may re-issue a determination upon written request from the applicant. Re-issuance requests may be subject to review fees and must be received prior to expiration; and
 - (2) Actions authorized by a County Permit are vested to the determination in effect at the time of Permit vesting.
 - b. Wetland Permits are valid for 3 years from the date of issuance. The responsible official may issue a single 1 year extension upon written request from the applicant. Extension requests must be received prior to expiration.
 - c. Habitat Permits are valid for 2 years from the date of issuance. The responsible official may issue a single 1 year extension upon written request from the applicant. Extension requests must be received prior to expiration.



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- d. Programmatic Permits are valid for at least 5 year or as stated in the Permit. The responsible official may renew permits upon written request from the permittee subject to the following:
 - (1) Renewal requests must be received prior to expiration.
 - (2) The responsible official may require additional information to support the renewal request and revise, remove, or add conditions and performance standards.
 - e. Stewardship Plans are valid for as long as the terms of the plan are met.
3. Documents submitted for complete applications are generally accepted if they are less than 5 years old (by Management Decision), however wetland rating forms may be inaccurate after 6 months. Staff will often accept an affidavit from a qualified professional that conditions have not changed substantially on the site for documents older than 5 years. Staff may require updated documents if the technical requirements for the document(s) or field methodologies have changed.

C. Proposed Timelines

- 1. Decisions issued concurrently with a Land Use approval follow the timeline for the application that specifies the Application Type pursuant to Section 40.500.010.B or as stated in the Decision.
- 2. All other decisions will be subject to the following timelines:
 - a. Statements of Exemption will be valid for 6 months or as long as:
 - (1) The action is authorized by a County Permit; or
 - (2) The exemptions referenced in the decision remain unchanged
 - b. Determinations will be valid for:
 - (1) 5 years from the date of issuance. The responsible official may re-issue a determination upon written request from the applicant. Re-issuance requests may be subject to review fees and must be received prior to expiration; and
 - (2) Actions authorized by a County Permit are vested to the determination in effect at the time of Permit vesting.
 - c. Permits will be valid for 3 years from the date of issuance. The responsible official may issue a single 1 year extension upon written request from the applicant. Extension requests must be received prior to expiration.
 - d. Programmatic Permits will be valid for at least 5 year or as stated in the Permit. The responsible official may renew permits upon written request from the permittee subject to the following:
 - (1) Renewal requests must be received prior to expiration.
 - (2) The responsible official may require additional information to support the renewal request and revise, remove, or add conditions and performance standards.
 - (3) The responsible official may temporarily extend the original permit if the review of the renewal request extends beyond the expiration date.
 - e. Stewardship Plans will be valid as long as the terms of the plan are met.
- 3. Age of Required Documents. Documents submitted for review must be based on site specific data that is more than five (5) years old, except as follows:
 - a. Wetland Rating Forms must be based on field review that is no more than 6 months old;

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- b. Mitigation Monitoring Reports must be based on data collected under current conditions or the most recent growing season.
 - c. Authors may provide certification that conditions have not changed substantially since the data provided in the document was collected;
 - d. The county will accept valid Jurisdictional Determinations and permits from state or federal agency's or legally enforceable documents binding the landowner or county; and
 - e. Older data or information may be provided for reference or to provide relevant historical information.
 - f. Upon review of any submitted document, the Responsible Official may find that conditions have changed substantially since the data provided was collected and request additional information that reflects current conditions.