

Pre-Application Conference Report

Project Name: Hidden Glen 78th Street Annual Review

Case Number: PAC2019-00030

Request: Comprehensive Plan/Zone Change on 6.94 acres from Community Commercial (CC) to Office Residential (OR-22)

Applicant: Waverly Homes Urban Area

Site Location: NE 30th Avenue at NE 78th Street Rural Area

Subdivision Short Plat Site Plan Shoreline Other:

Wetland Review: All development applications must comply with the standards of Clark County's Wetlands Protection Ordinance (WPO, CCC 40.450). The WPO regulates both wetlands and wetland buffers, so wetlands located on adjacent properties may affect a site due to extension of wetland buffers across property boundaries. The WPO doesn't apply to streams and riparian areas regulated under the Shoreline Program or Habitat Conservation Ordinance.

Habitat Review: All clearing and/or development proposals within defined habitat areas must comply with the Habitat Conservation Ordinance (HCO, CCC 40.440). The HCO regulates priority habitats and species areas as defined in the current the Washington Department of Fish and Wildlife (WDF&W) Priority Habitats and Species (PHS) list.

Wetland Indicators or Data Provided by the Applicant

Wetland inventory Hydric soils
 Wetland determination or delineation Aerial photo analysis
 Other:

Habitat Indicators or Data Provided by the Applicant

Riparian Habitat Conservation Zone (HCZ) Priority species area
 Non-riparian habitat area Point species buffer
 Other:

Fully Complete Requirements:

Determination of wetland or habitat presence (or) Development/building/clearing envelopes (or)
 Wetland Delineation Report and Survey (or) Habitat Permit application
 Preliminary Wetland Permit Application Habitat Analysis & Mitigation Plan
 Other:

Wetland Comments

Review Biologist: Lance Watt

County GIS indicates mapped hydric soils on the southern end of parcels 97835030, 97835040, 97835050, and 986034150 which continues offsite to the east, south, and west. There is also a permitted wetland on the southern end of parcels 97835030, 97835040, 97835050 which was identified in wetland case number WET2006-00076. This wetland determination is considered expired, however the results would be a starting point for any further review. Reviewing historic aerial imagery suggests some potential wetland signatures in the area of the mapped wetland. The application proposes a zone change from commercial to office residential for the 6.94 acre site.

Revised 6/6/16



Community Development
 1300 Franklin Street, Vancouver, Washington
 Phone: (360) 397-2375 Fax: (360) 397-2011
www.clark.wa.gov/development



For an alternate format, contact the Clark County ADA Compliance Office.
 Phone: (360)397-2322
 Relay: 711 or (800) 833-6384
 E-mail: ADA@clark.wa.gov

Per the Wetland Protection Ordinance (CCC 40.450.030.D) wetland delineation is required for any wetlands and/or wetland buffers which may be impacted by the proposed project. A partial delineation may be appropriate in this case which identifies the extent of the wetland onsite and provides a wetland rating which will determine the quality of the wetland which will affect the buffers required to adequately protect wetland habitat and water quality functions per the Wetland Protection Ordinance (40.450.030.E). Wetlands are afforded a buffer in order to protect water quality and habitat functions for the wetland. Per the Wetland Protection Ordinance, the wetland buffers are based on the land use intensities indicated in Table 40.450.030-5 which are proposed to occur and the quality of the wetland which would be rated using the state's Wetland Rating form for Western Washington (2014 update). The proposed high density residential and/or office/commercial development of the site would qualify as a High Intensity Use. A wetland pre-determination will be required.

The Wetland Protection Ordinance follows a hierarchy of impacts with the first being avoidance of all impacts within a wetland or wetland buffer, if possible. In the event that avoidance is not possible, County staff shall determine if the proposed development meets the Reasonable Use Exception criteria identified in (CCC 40.450.010.B.4). The applicant shall provide documentation that the any impacts have been minimized. Any unavoidable adverse wetland or wetland buffer impacts shall require a wetland permit with applicable mitigation. Impacts within the water quality buffer or those buffer impacts which cannot be mitigated onsite may be considered indirect wetland impacts (CCC 40.450.040.D.5) and would be mitigated at the appropriate wetland mitigation ratios (Table 40.450.040-3). The responsible official may waive the requirements of Sections 40.450.030 (D) and (F) in certain cases where it is determined 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 future plans; and
- c. A note referencing the development envelopes shall be placed on any future plans.

Stormwater facilities are discussed under section C.4 of the Wetland Protection Ordinance (CCC 40.450.040.C.4). Stormwater dispersion facilities that comply with the standards of Chapter 40.386 shall be allowed in all wetland buffers per the Wetland Protection Ordinance provided the outfalls comply with the standards of subsection C.4.b of the wetland protection ordinance. Enhancement of wetland buffer vegetation to meet dispersion requirements may also be considered as buffer enhancement for the purpose of meeting the buffer averaging or buffer reduction standards. Other stormwater facilities are only allowed in buffers of wetlands with low habitat function (5 points or less on the habitat section of the rating form), provided that 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. Any proposed stormwater impacts to wetlands and wetland buffers should be accounted for and indicated on the plans.

Wetland locations are required to be mapped on any new site plans and must show any proposed impacts to wetlands and/or wetland buffers. A wetland permit is required for any impacts within the wetland or wetland buffer. Any wetland or wetland buffer impacts would require justification for the impacts in order to meet the reasonable use criteria including avoidance and minimization measures as well as purpose and need. A Type I wetland permit would be required with appropriate mitigation for any wetland buffer impacts or direct wetland impacts under 1.10th of an acre. A delineation and a Type II wetland permit would be required for any direct wetland impacts over 1/10th of an acre in size. The permit application shall include a site plan which shows the proposed impacts as well as a mitigation plan to offset those impacts. The Department of Ecology and the U.S. Army Corps of Engineers regulate wetland impacts at the state and federal levels, respectively through the 401 water quality certification process and/or a 404 Clean Water permit. Typically these agencies are involved in projects with over 1/10th of an acre or wetland fills.

Habitat Comments

County GIS and the Washington Department of Fish and Wildlife Priority Habitat and Species webpage indicate priority non-riparian habitat identified as Oregon white oak woodland on the subject parcels (97835030, 97835032, 97835040, 97835050, and 986034150). In reviewing historic aerial imagery it looks like there may be additional unmapped Oregon white oak on the parcels as well.

Per the Habitat Protection Ordinance, Oregon White Oak Woodlands are categorized as priority non-riparian habitat by The Washington Department of Fish and Wildlife (WDFW). Per the Habitat Conservation Ordinance, oak woodlands are considered priority non-riparian habitat and are afforded protection to the edge of the dripline of the oaks. Priority Oregon white oak woodlands are stands of pure oak or oak/conifer associations where canopy coverage of the oak component of the stand is 25%; or where total canopy coverage of the stand is <25%, but oak accounts for at least 50% of the canopy coverage present. (The latter is often referred to as an oak savanna). In non-urbanized areas west of the Cascades, priority oak habitat is stands 0.4 ha (1 ac) in size. In urban or urbanizing areas, single oaks, or stands of oaks <0.4 ha (1 ac), may also be considered priority habitat when found to be particularly valuable to fish and wildlife (i.e., they contain many cavities, have a large diameter at breast height [dbh], are used by priority species, or have a large canopy). This area would be considered urban so if oaks do exist onsite then they would be protected; this would be evaluated during a habitat determination.

The actual habitat on the site determines final assessments. The applicant is responsible for the identification of priority habitat (if present) on the parcel in future plans and reviews to help ascertain impacts. The current plants do not show any priority habitat areas. If Oregon white oak woodlands, as defined by WDFW with regard to the Priority Habitat criteria, exist on the site, the locations of the canopy of these trees need to be mapped on any future building, engineering, or site plans.

The Habitat Conservation Ordinance has a hierarchy of impacts, the first choice being avoidance of habitat impacts, if possible. In this case there are potential priority non-riparian habitat on the subject parcel as shown on the provided map. The applicant may avoid a habitat permit by establishing building envelopes on all future plans that clearly show there will be no development within the priority habitat areas; the building envelopes must be labeled on the plan and a note must be included on the face of the plan indicating that no clearing or development shall occur outside of development envelope areas. The location of the dripline of the oaks, as well as locations of individual oaks, should be indicated on the plans to help ascertain impacts.

In the event that habitat impacts cannot be avoided, then the applicant shall demonstrate that the impacts have been minimized to the greatest extent possible in order to meet the Reasonable Use Assurance criteria in the Habitat Protection Ordinance. Any impacts to a priority habitat area requires justification for the impact as well as a habitat permit with applicable mitigation; impacts, minimization measures, and mitigation involving WDFW non-riparian habitats shall be coordinated with WDFW staff. Storm water designs and outflows also need to avoid adverse impacts to priority habitat areas.

Any proposed development or clearing which requires the removal of an oak, or occurs within the critical root zone of the oaks, will require a Habitat Permit with applicable mitigation and/or an oak protection plan prepared using recommendations from a certified arborist which will not adversely affect the oak tree(s). The arborist's report should state if the tree(s) will be adversely affected and provides minimization measures to protect the tree and tree roots. The driplines for the oaks shall be shown and labeled on any future building, construction or engineering plans and the final plat; a note shall be included on the face of the plan/plat indicating that no construction will occur within the dripline of the oaks.

Shoreline Process Comments

N/A

General Wetland Information

Wetland Buffer Requirements: Wetland buffers will be based on the wetland rating, the habitat score in the rating form, and the “intensity” of the proposed land use. Refer to CCC 40.450.030 Tables 2-5.

- Development envelopes may be proposed. Development envelopes must be clearly labeled on the plat or site plan and a note must be included on the face of the plat indicating that no construction will occur outside of development envelope areas.

Wetland Determination: County biologists can confirm a wetland determination, delineation, or the location of development envelopes prior to a primary application through a Wetland Predetermination Request. The pre-determination request can also be used to get the County conduct a wetland determination or establish development envelopes on the site. If you don’t request a pre-determination, the County will make a determination when you submit your primary application (the same fee will be applied to your application).

Digital Submittal: Wetland and buffer boundary data must be submitted in digital form (refer to CCC 40.450.030.D.3 for requirements and file specifications) in order to update the wetland layers in the county’s GIS database.

Wetland Permit Requirements: You will need a wetland permit for any activity proposed within wetlands or their buffers (except those that are explicitly exempt under 40.450.010.C), including buffer reduction, stormwater facilities within buffers, and utility crossings. You must avoid and minimize impacts to wetlands and buffers as much as possible. You must also mitigate any impacts that cannot be avoided. State and Federal permits may also be required.

Wetland Permit Process and Timing: A wetland permit application will not be considered a fully complete item for vesting purposes. However, if you need a wetland permit, all associated applications will be placed on hold until you submit a Fully Complete preliminary wetland permit application.

Federal Jurisdiction: The US Army Corps of Engineers (USACE) has jurisdiction over discharges to streams and hydrologically connected wetlands under Section 404 of the Federal Clean Water Act. Because several fish species in Clark County are listed as threatened or endangered under the Federal Endangered Species Act (ESA), the USACE must review all proposed wetland impacts for potential “takings”. ESA review may take a considerable amount of time because the Corps must consult the National Marine Fisheries Service (NMFS) and/or the U.S. Fish and Wildlife Service (USFWS).

The applicant has the responsibility to comply with State and Federal regulations. Questions regarding Federal jurisdiction should be addressed to Jim Carsner at the Regulatory Branch of the Seattle District US Army Corps of Engineers (206) 316-3047 or at James.H.Carsner@usace.army.mil.

General Habitat Information

Riparian Habitat Conservation Zone Requirements (Title 40.440.010(C)(1)(a)):

- Type S stream: two hundred fifty (250) feet or 100-yr. floodplain
- Type F stream: two hundred (200) feet or 100-yr. floodplain
- Type Np stream: one hundred (100) feet
- Type Ns stream: seventy-five (75) feet

Priority Habitat and Species Buffer Requirements (Title 40.440.010(B)(2)&(C)(b)):

- Priority species area buffer: three-hundred (300) feet
- Non-riparian priority habitat buffer: one-hundred (100) feet
- Point species buffer: one-thousand (1000) feet

Approval Criteria: Excluding applicable reasonable use assurances or public interest exceptions, defined habitats are to be protected through an avoidance or reduction of activities (Title 40.440.020). All proposed clearing or development within a habitat area shall substantially maintain the habitat functions found on the site (Title 40.440.020(A)(2)(a)). If all avoidance options have been exhausted, acceptable habitat impacts need to be limited to the immediate project area and no more (Title

40.440.020(A)(2)(b)). Assuming the applicant has made every effort to avoid and minimize impacts, mitigation measures may be established to offset remaining habitat impacts (Title 40.440.020(A)(3)(a)). It is important to emphasize avoidance of impacts to existing forested habitat areas, as no mitigation can compensate for the loss of habitat functionality associated with mature tree removal.

- Clearing/building envelopes for land divisions must be clearly labeled on the plat.
- All habitat areas, including streams and their associated riparian zones, must be clearly labeled on the face of the plat.

Habitat Predetermination Request: The applicant can apply for a Habitat Predetermination request to have a county Biologist determine the type and extent of habitat on the property; the Ordinary High Water Mark of a stream; and identify appropriate levels of habitat encroachment and impact to help guide the future design of the proposal.

Habitat Permit Requirements: Any non-exempt clearing or development activities will require a Habitat Permit application as a Fully Complete item. The Habitat Permit application needs to be accompanied with a delineation of the habitat area in relation to the proposed project and a mitigation plan. The applicant is encouraged, but not required to hire a professional biological consultant to produce the habitat report and mitigation plan.

Habitat Permit Process and Timing: Development proposals requiring a Habitat Permit which involve other county permits shall be reviewed under the timelines of the existing reviews; provided, all requisite information is submitted and applicable approval criteria addressed (Title 40.440.030(A)).

Existing Agriculture: Existing agriculture within habitat areas is regulated under Title 40.440.040(B). Existing agricultural activities need to setback certain distances from creeks or comply with an agricultural/habitat protection plan for the property created by a certified ag/habitat technician. For a list of certified ag/habitat technicians, please contact Denise Smee (Clark County Conservation District) at (360) 883-1987 ext. 110. New agricultural activities within habitat areas are subject to the normal permitting requirements of the Habitat Ordinance.

State Jurisdiction: Any work within or above waters of the state may require a Hydraulic Project Approval (HPA) from the Washington Department of Fish and Wildlife (WDF&W). WDFW also reviews priority habitat determinations and mitigation. Your staff contact is Chuck Stambaugh-Bowey (360) 906-6764 or chuck.stambaugh@dfw.wa.gov. The Washington Department of Ecology reviews wetlands and other waters of the state. Your staff contact is Rebecca Rothwell, (360) 407-7273, or rebs461@ecy.wa.gov

Mitigation Monitoring

Wetland or habitat mitigation triggers the need for yearly monitoring for up to 10 years to ensure mitigation success, which includes applying for monitoring permits and paying the appropriate inspection fees.

CONTACT:

Clark County Community Development
PO Box 9810, Vancouver, WA 98666-9810
Lance Watt, Biologist

(360) 397-2375

lance.watt@clark.wa.gov, x5601